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UNITED STATES
DEPARTMENT OF AGRICULTURE



**FEDERAL
LEGISLATION AND REGULATIONS
RELATING TO
HIGHWAY CONSTRUCTION**

**UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT
FEDERAL AID AND NATIONAL FOREST ROADS
FLOOD RELIEF AND MISCELLANEOUS
MATTERS**

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*Compiled by the
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LEGISLATION AND RULES AND REGULATIONS RELATING TO FEDERAL-AID AND NATIONAL-FOREST ROADS AND TRAILS

THE FEDERAL-AID ROAD ACT

[39 STAT. 355]

An Act To provide that the United States shall aid the States in the construction of rural post roads, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: Provided, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

SEC. 2. That for the purpose of this act the term "rural post road"¹ shall be construed to mean any public road over which the United States mails now are or may hereafter be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart; the term "State highway department" shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term "construction" shall be construed to include reconstruction and improvement of roads; "properly maintained" as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface considering the type of the road, but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and seventeen, the sum of \$5,000,000; for the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of \$10,000,000; for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$15,000,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty, the sum of \$20,000,000; and for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, the sum of \$25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within sixty days thereafter, to

¹ Amended by section 5 of the act approved Feb. 28, 1919, 40 Stat. 1200.

all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time: *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

SEC. 4. That so much, not to exceed three per centum, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

SEC. 5. That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and on or before January twentieth next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year.

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed ten per centum of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed fifty per centum of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications he shall cause to be paid to the proper authority of said State the amount set

aside for said project: Provided, That the Secretary of Agriculture may, in his discretion, from time to time, make payments on said construction as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata part of the value of the labor and materials which have been actually put into said construction in conformity to said plans and specifications; nor shall any such payment be in excess of \$10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span. The construction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

The Secretary of Agriculture and the State highway department of each State may jointly determine at what times and in what amounts payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained he shall give notice of such fact to the highway department of such State; and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty is to maintain said road, until it has been put in a condition of proper maintenance.

SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and each fiscal year thereafter up to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-six, in all \$10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed ten per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest ten per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

SEC. 9. That out of the appropriations made by or under this act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures,

and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

SEC. 10. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

SEC. 11. That this act shall be in force from the date of its passage.

Approved, July 11, 1916.

POST OFFICE APPROPRIATION ACT OF FEBRUARY 28, 1919

[40 STAT. 1200]

An Act Making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes

* * * * *

SEC. 5. That the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to provide that the term "rural post roads," as used in section 2 of said act, shall be construed to mean any public road a major portion of which is now used, or can be used, or forms a connecting link not to exceed ten miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart: *Provided*, That section 6 of said act be further amended so that the limitation of payments not to exceed \$10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span, which the Secretary of Agriculture may make, be, and the same is, increased to \$20,000 per mile.

SEC. 6. That for the purpose of carrying out the provisions of said act, as herein amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums: The sum of \$50,000,000 for the fiscal year ending June 30, 1919, and available immediately; the sum of \$75,000,000 for the fiscal year ending June 30, 1920; and the sum of \$75,000,000 for the fiscal year ending June 30, 1921; said additional sums to be expended in accordance with the provisions of said act: *Provided*, That where the constitution of any State prohibits the same from engaging upon internal improvements or from contracting public debts for extraordinary purposes in an amount sufficient to meet the monetary requirements of the act of July 11, 1916, or any act amendatory thereof, or restricts annual tax levies for the purpose of constructing and improving roads and bridges, and where a constitutional alteration or amendment to overcome either or all of such prohibitions must be submitted to a referendum at a general election, the sum to which such State is entitled under the method of apportionment provided in the act of July 11, 1916, or any act amendatory thereof, shall be withdrawn by the Secretary of the Treasury from the principal fund appropriated by the act of July 11, 1916, or any act amendatory thereof, upon receipt of the certification of the governor of such State to the existence of either or all of said prohibitions, and such sum shall be carried by the Secretary of the Treasury as a separate fund for future disbursement as hereinafter provided: *Provided further*, That when, by referendum, the constitutional alterations or amendments necessary to the enjoyment of the sum so withdrawn have been approved and ratified by any State, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, shall immediately make available to such State for the purposes set forth in the act of July 11, 1916, or any act amendatory thereof, the sum withdrawn as hereinbefore provided: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws: *Provided further*, That in the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines, but any other preference or discrimination among citizens of the United States in connection with the expenditure of this appropriation is hereby declared to be unlawful.

SEC. 7. That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of \$3,000,000, for the fiscal year ending June 30, 1920, the sum of \$3,000,000, and for the fiscal year ending June 30, 1921, the sum of \$3,000,000, available until expended by the Secretary of Agriculture in cooperation with the proper officials of the State, Territory, insular possession, or county, in the survey, construction, and maintenance of roads and trails within or partly within the national forests, when necessary for the use and development of resources of the same or desirable for the proper administration, protection, and improvement of any such forest. Out of the sums so appropriated the Secretary of Agriculture may, without the cooperation of such officials, survey, construct, and maintain any road or trail within a national forest which he finds necessary for the proper administration, protection, and improvement of such forest, or which in his opinion is of national importance. In the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines.

The Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

SEC. 9. That no officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of this act except by his own consent: *And provided further*, That the Secretary of Agriculture, through the War Department, shall ascertain the number of days any such soldiers, sailors, and marines have worked on the public roads in the several States (other than roads within the limits of cantonments or military reservations in the several States) during the existing war, and also the location where they worked and their names and rank, and report to Congress at the beginning of its next regular session: *Provided further*, That when any officer or enlisted man in the Army, the Navy, or the Marine Corps shall have been or may be in the future detailed for labor in the building of roads or other highway construction or repair work (other than roads within the limits of cantonments or military reservations in the several States), during the existing war, the pay of such officer or enlisted man shall be equalized to conform to the compensation paid to civilian employees in the same or like employment and the amount found to be due such officers, soldiers, sailors, and marines, less the amount of his pay as such officer, soldier, sailor, or marine, shall be paid to him from the 1920 appropriation herein allotted to the States wherein such highway construction or repair work was or will be performed.

* * * * *

Approved February 28, 1919.

THE FEDERAL HIGHWAY ACT

[42 STAT. 212]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the Federal highway act.

SEC. 2. That, when used in this act, unless the context indicates otherwise—
The term "Federal aid act" means the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads,

and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

SEC. 3. All powers and duties of the Council of National Defense under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located.

SEC. 4. That the Secretary of Agriculture shall establish an accounting division, which shall devise and install a proper method of keeping the accounts.

SEC. 5. That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national-forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

SEC. 6. That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage.

SEC. 7. That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this act for construction, reconstruction, and maintenance of Federal-aid highways within the State, which funds shall be under the direct control of the State highway department.

SEC. 8. That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance of each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic.

SEC. 9. That all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

SEC. 10. That when any State shall have met the requirements of this act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this act, the sum apportioned to such State as herein provided.

SEC. 11. That any State having complied with the provisions of this act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or second-

ary or intercounty highway therein. If the Secretary of Agriculture approves the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion of the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public land States shall apply to all unobligated or unmatched funds appropriated by the Federal aid act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921.

SEC. 12. That the construction and reconstruction of the highways or parts of highways under the provisions of this act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this act.

SEC. 13. That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

SEC. 14. That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this act to place any highway in a proper condition of mainte-

nance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions.

SEC. 15. That within two years after this act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction.

SEC. 16. That for the purpose of this act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

SEC. 17. That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

SEC. 18. That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 19. That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this act. The Secretary of Agriculture shall also make such special reports as Congress may request.

SEC. 20. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922.

SEC. 21. That so much, not to exceed 2½ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this act, as the Secretary of Agriculture may deem necessary for administering the provisions of this act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other

amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such acts shall be reapportioned according to the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this act for the first time.

SEC. 22. That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

SEC. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of \$5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and \$10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads, of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land

owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

SEC. 24. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 25. That if any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the act and of the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. That all acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, November 9, 1921.

POST OFFICE APPROPRIATION ACT OF JUNE 19, 1922

[42 Stat. 660]

An Act Making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes

* * * * *

SEC. 4. That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such act:

The sum of \$50,000,000 for the fiscal year ending June 30, 1923.

The sum of \$65,000,000 for the fiscal year ending June 30, 1924.

The sum of \$75,000,000 for the fiscal year ending June 30, 1925.

The Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion the \$50,000,000 herein authorized to be appropriated for the fiscal year ending June 30, 1923, among the several States as provided in section 21 of the Federal highway act approved November 9, 1921: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

PAR. 2. For the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized

to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended, in accordance with the provisions of said section 23:

The sum of \$6,500,000 for the fiscal year ending June 30, 1924.

The sum of \$6,500,000 for the fiscal year ending June 30, 1925.

PAR. 3. For the purposes of this section and of the acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of over-head or underpass crossings.

PAR. 4. The provision of section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, fixing the limitation of \$20,000 per mile which the Secretary of Agriculture may make, is hereby amended to read as follows:

"That the payments which the Secretary of Agriculture may make from sums appropriated under this act or any act amendatory thereof or supplementary thereto for the fiscal year ending June 30, 1923, shall not exceed \$16,250 per mile exclusive of the cost of bridges of more than twenty feet of clear span; and that the payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of this act or any act amendatory thereof or supplementary thereto, after the fiscal year ending June 30, 1923, shall not exceed \$15,000 per mile, exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921."

PAR. 5. Section 24 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit."

PAR. 6. If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation, or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal highway act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal highway act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal highway act or acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits.

PAR. 7. If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

PAR. 8. All acts or parts of acts in any way inconsistent with the provisions of this section are hereby repealed.

* * * * *

Approved, June 19, 1922.

DEFICIENCY APPROPRIATION ACT OF JANUARY 22, 1923

[42 STAT. 1157]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes

* * * * *

COOPERATIVE CONSTRUCTION OF RURAL POST ROADS

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of such act as amended, \$25,000,000, to remain available until expended, being part of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of such authorization of \$50,000,000, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That the appropriations heretofore and hereafter made for the purpose of carrying out the provisions of such act of July 11, 1916, and the acts amendatory thereof and supplemental thereto shall be considered available for the purpose of discharging the obligations created by the approval of projects.

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Approved, January 22, 1923.

AGRICULTURAL APPROPRIATION ACT OF FEBRUARY 26, 1923

[42 STAT. 1321]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes

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SPECIAL ITEMS

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$3,000,000, to be available until expended, being part of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$3,500,000, constituting the remainder of the said authorization of \$6,500,000: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Cooperative construction of rural post roads: For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$29,300,000, to be available until expended, being part of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion among the several States, as provided in section 21 of the Federal highway act approved November 9, 1921, the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by said paragraph 1 of section 4 of the act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Total, Department of Agriculture, \$69,536,653.

Approved, February 26, 1923.

ACT EXTENDING FEDERAL AID TO HAWAII

[43 STAT. 17]

An Act To extend the provisions of certain laws to the Territory of Hawaii

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, known as the Federal highway act, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks.

* * * * *

Approved, March 10, 1924.

AGRICULTURAL APPROPRIATION ACT OF JUNE 5, 1924

[43 STAT. 460]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1925, and for other purposes

* * * * *

SPECIAL ITEMS

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$6,000,000 to be available until expended, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, and part of the

sum authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$4,000,000, constituting the remainder of the sum authorized to be appropriated for the fiscal year ending June 30, 1925: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Cooperative construction of the Federal aid highway system: For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$13,000,000, to be available until expended, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion among the several States, as provided in section 21 of the Federal highway act, approved November 9, 1921, the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by said paragraph 1 of section 4 of the act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Total, Department of Agriculture, \$58,575,274.

Approved, June 5, 1924.

ACT AUTHORIZING MAINTENANCE OF GALLUP-DURANGO HIGHWAY

[43 STAT. 606]

An Act Authorizing annual appropriations for the maintenance of that portion of Gallup-Durango Highway across the Navajo Indian Reservation and providing reimbursement therefor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 or so much thereof as may be necessary for each fiscal year, to be expended under the direction of the Secretary of the Interior, for maintenance of that portion of the Federal aid highway from Gallup, New Mexico, to Shiprock, New Mexico, across the Navajo Indian Reservation, reimbursable from the tribal funds of the Indians of said reservation: *Provided*, That Indian labor shall be employed as far as practicable: *Provided further*, That if no funds are available, no expenditure shall be made

Approved, June 7, 1924.

AGRICULTURAL APPROPRIATION ACT OF FEBRUARY 10, 1925

[43 STAT. 852.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes

* * * * * FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$4,000,000 to remain available until expended, and of which amount not to exceed \$3,000 may be expended for departmental personal services in the District of Columbia, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$76,000,000 to remain available until expended, of which amount not to exceed \$454,971 may be expended for departmental personal services in the District of Columbia, being \$25,000,000, the remainder of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923; \$35,700,000, the remainder of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924; and \$15,300,000, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922.

The Secretary of Agriculture is authorized to enter into leases for the Bieber Building, 1358 B Street southwest, and the warehouse now under construction at the southeast corner of Linworth Place and C Street southwest, for a period not to exceed ten years, provided in his judgment it is of advantage to the Government of the United States to do so. Such leases shall have the approval of the Public Buildings Commission.

Total, Department of Agriculture, \$124,774,441.

Approved, February 10, 1925.

AMENDMENT AND AUTHORIZATION OF FEBRUARY 12, 1925

[43 STAT. 889]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other pur

poses," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1926;

The sum of \$75,000,000 for the fiscal year ending June 30, 1927.

Immediately upon the passage of this act and thereafter not later than January 1, of each year, the Secretary of Agriculture is authorized to apportion among the several States, as provided in section 21 of the Federal highway act approved November 9, 1921, the \$75,000,000 herein authorized to be apportioned for the fiscal year ending June 30, 1926, and on or before January 1 next preceding the commencement of each succeeding fiscal year he shall make like apportionment of the appropriation herein authorized, or which may hereafter be authorized, for each fiscal year: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000, for the fiscal year ending June 30, 1926;

The sum of \$7,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture may exchange deteriorated explosives or explosive components, obtained by transfer from the Secretary of War for distribution among the States and for use in the improvement of roads under his direct supervision, for explosives or explosive products in condition for immediate use. The Secretary of Agriculture is further authorized, by contract or otherwise, to reclaim by reworking, reconditioning, cartridgeing, or otherwise converting into usable form such deteriorated explosives or explosive components as can not be so exchanged, and to pay the cost thereof out of available administrative funds authorized by the Federal highway act approved November 9, 1921, and acts amendatory thereof or supplementary thereto. The Secretary of Agriculture, in his discretion, may transfer to any department or agency of the Federal Government such of the materials acquired from such exchanges, and also such of the explosives or explosive components as may be reworked, reconditioned, cartridgeed, or otherwise converted hereunder, as may be required by any such department or agency for use in its authorized activities: *Provided*, That the charges incident to the storage, handling, protection, exchange, reworking, reconditioning, cartridgeing, or conversion of such explosives or explosive components as may be certified by the Secretary of Agriculture to have been incurred against said administrative funds shall be reimbursed, said funds pro rata by the department or agency of the Federal Government, the State, or other agency receiving such explosives or explosive products.

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and January 22, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur the words "and nontaxable Indian lands, individual and tribal."

SEC. 5. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 6. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed and this act shall take effect on its passage.

Approved, February 12, 1925.

DEFICIENCY APPROPRIATION ACT OF MARCH 4, 1925

[43 STAT. 1326.]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1920, and for other purposes

* * * * *

Forest roads and trails: For carrying out the provisions of section 23 of the Federal Highway act approved November 9, 1921, the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 constituting the amount authorized to be appropriated for forest roads and trails for the fiscal year 1926 by section 2 of the act approved February 12, 1925: *Provided*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

* * * * *

Approved, March 4, 1925.

DEFICIENCY APPROPRIATION ACT OF MARCH 3, 1926

[44 STAT. 171.]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes

FOREST ROADS AND TRAILS

* * * * *

For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$3,775,000, to remain available until expended, being part of the sum of \$7,500,000, authorized to be appropriated for the fiscal year 1926 by section 2 of the act approved February 12, 1925, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the act of March 4, 1925.

FEDERAL AID HIGHWAY SYSTEM

For the construction of rural post roads under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of such act as amended, including not to exceed \$16,500 for departmental personal services in the District of Columbia, \$22,900,000, to remain available until expended, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year 1925 by the act approved June 19, 1922.

* * * * *

Approved, March 3, 1926.

AGRICULTURAL APPROPRIATION ACT OF MAY 11, 1926

[44 STAT. 530]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$48,000 for departmental personal services in the District of Columbia, \$5,000,000, which sum is composed of \$3,725,000, the remainder of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1926 and \$1,275,000, part of the amount authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by the act approved February 12, 1925: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$445,000 for departmental personal services in the District of Columbia, \$75,000,000, to remain available until expended, which sum is composed of \$23,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by the act approved June 19, 1922, and \$51,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, by paragraph 1 of the act approved February 12, 1925.

Total, Department of Agriculture, \$127,924,573.

Approved, May 11, 1926.

AMENDMENT AND AUTHORIZATION OF JUNE 22, 1926

[44 STAT. 760]

An Act To amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1928.

The sum of \$75,000,000 for the fiscal year ending June 30, 1929.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000 for the fiscal year ending June 30, 1928.

The sum of \$7,500,000 for the fiscal year ending June 30, 1929.

Not later than January 1 next preceding the commencement of each fiscal year the Secretary of Agriculture is authorized to apportion among the several States the appropriations heretofore, herein, or hereafter made or authorized to be made as provided in section 23 of the Federal highway act approved November 9, 1921.

SEC. 3. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways the Secretary of Agriculture shall continue to approve projects for said State for the period covered by this act if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, June 22, 1926.

AGRICULTURAL APPROPRIATION ACT OF JANUARY 18, 1927

[44 STAT. 1006]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes

SPECIAL ITEMS

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$47,000 for departmental personal services in the District of Columbia, \$6,500,000, which sum is composed of \$4,825,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925, and \$1,675,000, part of the amount authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1928, by the act approved June 22, 1926: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building constructed shall not exceed \$1,500.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$420,000 for departmental personal services in the District of Columbia, \$71,000,000 to remain available until expended, which sum is composed of \$23,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, and \$47,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by paragraph 1 of the act approved February 12, 1925.

Total, Department of Agriculture, \$128,511,739.

Approved, January 18, 1927.

DEFICIENCY APPROPRIATION ACT OF FEBRUARY 28, 1927

[44 STAT. 1252]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes

FOREST ROADS AND TRAILS

For an additional amount for carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$1,400,000, to remain available until expended, being the remainder of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1927 by section 2 of the act approved February 12, 1925, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the act of May 11, 1926.

Approved, February 28, 1927.

FEDERAL AID FOR TOLL BRIDGES

[44 STAT. 1398]

An Act To permit the granting of Federal aid in respect of certain roads and bridges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, or of the Federal highway act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such acts, in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge.

Approved, March 3, 1927.

DEFICIENCY APPROPRIATION ACT OF DECEMBER 22, 1927

[45 Stat. 12]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1928, and for other purposes

For an additional amount for carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$1,880,000, to remain available until expended, being part of \$7,500,000 authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the agricultural appropriation act for the fiscal year 1928.

Approved December 22, 1927.

AGRICULTURAL APPROPRIATION ACT OF MAY 16, 1928

[45 Stat. 569]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$47,000 for departmental personal services in the District of Columbia, \$7,500,000, which sum is composed of \$3,945,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926, and \$3,555,000, part of the amount authorized to be appropriated for the fiscal year 1929 by the Act approved June 22, 1926: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1929, by the act approved June 22, 1926: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$1,500.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$420,000 for departmental personal services in the District of Columbia, \$71,000,000, to remain available until ex-

pended, which sum is composed of \$27,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by paragraph 1 of the act approved February 12, 1925, and \$43,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1928, by paragraph 1 of the act approved June 22, 1926.

* * * * *

Approved, May 16, 1928.

AMENDMENT OF MAY 21, 1928

[45 Stat. 683]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Federal highway act, approved November 9, 1921 (Forty-second Statutes at Large, page 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"And provided further, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed ten per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but such State shall allocate and expend during the same fiscal year upon some other project or projects on the Federal-aid system, under the direction of the Secretary of Agriculture, the amount it would have been required to expend upon such project."

SEC. 2. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

SEC. 3. The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per centum of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

SEC. 4. Federal funds may be expended on that portion of a highway or street within a municipality having a population of two thousand five hundred or more, along which from a point on the corporate limits inwardly the houses average more than two hundred feet apart: *Provided*, That no Federal funds shall be expended for the construction of any bridge within or partly within any municipality having a population of more than thirty thousand, as shown by the latest available Federal or State census; but this limitation shall not apply in the case of an interstate bridge, including approaches, connecting such municipality in one State with a point in an adjoining State which may be within a municipality having a population of not more than ten thousand.

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, May 21, 1928.

AUTHORIZATION OF MAY 26, 1928

[45 Stat. 750]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1930.

The sum of \$75,000,000 for the fiscal year ending June 30, 1931.

SEC. 2. For carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000 for the fiscal year ending June 30, 1930.

The sum of \$7,500,000 for the fiscal year ending June 30, 1931.

SEC. 3. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, May 26, 1928.

APPROPRIATION OF FEBRUARY 16, 1929

[45 Stat. 1220]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., p. 668, sec. 23), including not to exceed \$52,400 for departmental personal services in the District of Columbia, \$8,000,000, which sum is composed of \$3,945,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1929 by the act approved June 22, 1926 (U. S. C., supp. I, p. 117, sec. 23), and \$4,055,000, part of the amount authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (45 Stat., p. 750): *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1930, by the act approved May 26, 1928: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916 (U. S. C., pp. 422, 423, sec. 503), and of section 23 of the Federal Highway Act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$1,500.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (U. S. C., pp. 422, 423, sec. 503), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$454,900 for departmental personal services in the District of Columbia, \$74,000,000, to remain available until expended which sum is composed of \$31,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1928, and \$42,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1929, by paragraph 1 of the act approved June 22, 1926.

* * * * *

Approved, February 16, 1929.

APPROPRIATION OF FEBRUARY 7, 1930

[46 Stat. 67]

Joint Resolution Making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$31,400,000, to remain available until expended, for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (United States Code, title 16, Section 503), and all acts amendatory thereof and supplementary thereto, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1930, such sum being part of the amount authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (Forty-fifth Statutes, page 750).

Approved, February 7, 1930.

APPROPRIATION FOR FOREST ROADS AND TRAILS OF MARCH 26, 1930

[46 Stat. 99]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Forest roads and trails: For an additional amount for carrying out the provisions of section 23, of the Federal Highway Act, approved November 9, 1921, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1930, \$2,000,000.

* * * * *

Approved, March 26, 1930.

AUTHORIZATION AND AMENDMENT OF APRIL 4, 1930

[46 Stat. 141]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States

in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended: The sum of \$125,000,000 for the fiscal year ending June 30, 1932; the sum of \$125,000,000 for the fiscal year ending June 30, 1933.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in addition to the authorization approved in section 1 of the act of May 26, 1928, the additional sum of \$50,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of the Federal Highway Acts and all amendments thereof, and supplementary thereto.

SEC. 3. Section 6 of such act of July 11, 1916, as amended and supplemented, is further amended so that the limitation of payments which the Secretary of Agriculture may make is increased to \$25,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span: *Provided*, That the Federal participation shall be limited to \$15,000 per mile until the original certified seven percent system of such State shall have been surfaced: *Provided further*, That any such increase above \$15,000 per mile shall be certified by the Director of the Bureau of Public Roads and the Secretary of Agriculture as securing actual extension of the highway system or economy in its construction: *Provided further*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes', approved July 11, 1916, as amended and supplemented, and for other purposes", approved November 9, 1921, as amended. The provisions of this section relating to the limitation of payments per mile which the Secretary of Agriculture may make shall apply to all funds heretofore appropriated and available for payment to the States on the date of approval of this amendatory act and to all sums hereafter appropriated for carrying out the provisions of such act of July 11, 1916, as amended and supplemented.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, April 4, 1930.

AUTHORIZATION FOR FOREST ROADS AND AMENDMENT OF MAY 5, 1930

[46 Stat. 261]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$12,500,000 for the fiscal year ending June 30, 1932; the sum of \$12,500,000 for the fiscal year ending June 30, 1933.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in addition to the authorization approved in section 2 of the act of May 26, 1928, the additional sum of \$5,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of section 23 of the Federal Highway Act and acts amendatory thereof or supplementary thereto.

SEC. 3. In the expenditure of any amount in excess of \$7,500,000 from appropriations under the authorization made for each of the fiscal years ending June 30, 1931, June 30, 1932, and June 30, 1933, for carrying out the provisions of section 23 of the Federal Highway Act, the Secretary of Agriculture shall give preference to those projects, which he shall determine are not otherwise satisfactorily financed or provided for, which are located on the Federal-aid highway system

as the same is now or hereafter may be designated: *Provided*, That the projects so preferred on the Federal-aid highway system shall be constructed of the same standard as to width and character of construction as the Federal Government requires of the States under like conditions: *And provided further*, That the Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditure of the funds authorized under this section.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, May 5, 1930.

APPROPRIATIONS FOR FEDERAL-AID AND FOREST ROADS AND TRAILS OF MAY 27, 1930

[46 Stat. 426]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1931, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$53,563 for departmental personal services in the District of Columbia, \$7,500,000, which sum is composed of \$1,445,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (45 Stat., p. 750), and \$6,055,000, part of the amount authorized to be appropriated for the fiscal year 1931 by the act approved May 26, 1928: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by the act approved May 26, 1928: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such buildings purchased or constructed under this authorization shall not exceed \$1,500: *Provided further*, That there shall be available from this appropriation not to exceed \$15,000 for the acquisition by purchase, condemnation, gift, grant, dedication, or otherwise of land and not to exceed \$120,000 for the acquisition by purchase or construction of a building or buildings for the storage and repair of Government equipment for use in the construction and maintenance of roads.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$454,900 for departmental personal services in the District of Columbia, \$75,000,000, to remain available until expended, which sum is composed of \$32,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1929, by paragraph 1 of the act approved June 22, 1926, and \$42,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1930, by paragraph 1 of the act approved May 26, 1928 (45 Stat., p. 750), and for the erection of a laboratory building in the District of Columbia or elsewhere for permanent quarters for the testing and research work of the Bureau of Public Roads, and for the acquisition, by purchase, condemnation, gift, grant, dedication, or otherwise, of such lands as he may

deem necessary to provide a suitable site for such laboratory not to exceed \$300,000, to be paid from the administrative funds authorized by the act approved November 9, 1921, and acts amendatory thereof or supplemental thereto, appropriated herein. On and after the passage of this act the unexpended balance of the appropriation of \$75,000 made by the act approved March 4, 1917 (U. S. Stat. L., vol. 39, p. 1161), for such a laboratory on the Arlington farm property of the United States Department of Agriculture shall cease to be available and shall be covered into the Treasury.

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Approved, May 27, 1930.

**AMENDMENT RELATIVE TO CONSTRUCTION OF ROADS THROUGH
PUBLIC LANDS AND FEDERAL RESERVATIONS**

[46 Stat. 805]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Highway Act, approved November 9, 1921 (Forty-second Statutes at Large, page 212), as amended or supplemented, be further amended by amending the second paragraph of section 3 of said Federal Highway Act to read as follows:

"The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those States having more than 5 per centum of their area in the lands hereinbefore described and shall be prorated and apportioned to said States in the proportion that said lands in each of said States is to the total area of said lands in the States eligible under the provisions of this section, and no contribution from the States shall be required in the expenditure thereof: *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

"The Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditures of the funds authorized under this section."

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, June 24, 1930.

APPROPRIATION FOR FOREST ROADS AND TRAILS OF JULY 3, 1930

[46 Stat. 872]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Forest roads and trails: For an additional amount for carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1931, and including not to exceed \$24,500 for departmental personal services in the District of Columbia, \$3,500,000, which sum is composed of \$1,445,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1931 by the act approved May 26, 1928, and \$2,055,000, part of the sum of \$5,000,000 authorized to be appropriated for the fiscal year 1931, by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among

the several States, Alaska, and Porto Rico, as provided in section 23 of the said Federal Highway Act, the sum of \$5,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

* * * * *

Approved, July 3, 1930.

APPROPRIATION OF DECEMBER 20, 1930, TO PROVIDE FOR EMERGENCY CONSTRUCTION

[46 Stat. 1031]

An Act Making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment

* * * * *

SPECIAL ROAD ITEMS

National forest highways: For the construction and improvement of highways within the boundaries of the national forests, fiscal year 1931, \$3,000,000.

Roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth: For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved June 24, 1930 (46 Stat., p. 805), fiscal year 1931, \$3,000,000.

Federal-aid highway system: For apportionment to the several States under the provisions of the Federal Highway Act, as amended, as a temporary advance of funds to meet the provisions of such act as to State funds required on Federal-aid projects, \$80,000,000: *Provided*, That the sums so advanced shall be reimbursed to the Federal Government over a period of five years, commencing with the fiscal year 1933, by making deductions from regular apportionments made from future authorizations for carrying out the provisions of such act as amended and supplemented: *Provided further*, That the amounts advanced in consequence hereof shall be limited in each case to the sum actually paid out by a State under such advance for work performed before September 1, 1931, for the construction of Federal-aid projects: *Provided further*, That should any State fail to claim any part of its allotment hereunder the President may reapportion such unclaimed funds to States capable of using them prior to September 1, 1931.

* * * * *

Approved, December 20, 1930.

APPROPRIATION OF FEBRUARY 6, 1931

[46 Stat. 1068]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes

* * * * *

Federal-aid highway system: For an additional amount for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$68,235 for departmental personal serv-

ees in the District of Columbia, \$34,000,000, to remain available until expended, which sum is composed of \$1,400,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1930, and \$32,600,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by paragraph 1 of the act approved May 26, 1928.

* * * * *

Approved, February 6, 1931.

AMENDMENT OF FEBRUARY 20, 1931

[46 Stat. 1173]

An Act To amend the Federal Highway Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Highway Act approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by inserting after section 3 a new section, to be numbered 3a, and to read as follows:

“SEC. 3a. The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located.”

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, February 20, 1931.

AMENDMENT OF FEBRUARY 23, 1931, PERTAINING TO HAWAII

[46 Stat. 1415]

An Act To amend the act entitled “An act to extend the provisions of certain laws to the Territory of Hawaii,” approved March 10, 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled “An act to extend the provisions of certain laws to the Territory of Hawaii”, approved March 10, 1924 (43 Stat. 17), is hereby amended by adding at the end thereof the following: “Provided further, That the system of roads on which Federal-aid apportionments to the Territory of Hawaii shall be expended may be determined and agreed upon by the governor of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions: And provided further, That there is authorized to be paid from funds heretofore authorized, appropriated, allocated, and unobligated under the Federal Highway Act a sum not to exceed \$880,000 for the purpose of road construction in the Territory of Hawaii, which sum equals the amount such Territory would have received for roads built and incorporated upon the 7 per centum system as approved, during the period from 1917 to 1925. The Secretary of the Treasury shall pay to the Territory of Hawaii, or to such official or depository as may be designated by it, on warrants drawn by the Secretary of Agriculture, such part of such sum as may from time to time be necessary for the construction or reconstruction of any highway in such Territory the project for which has been approved by the Secretary of Agriculture. The provisions of this act shall in no way impair the right of such Territory to receive the benefits of the Federal Highway Act.”

Approved, February 23, 1931.

APPROPRIATION OF FEBRUARY 23, 1931

[46 Stat. 1242]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$79,090 for departmental personal services in the District of Columbia, \$12,500,-000, which sum is composed of \$2,945,000, part of the sum of \$12,500,000 authorized to be appropriated for the fiscal year 1931 by the acts approved May 26, 1928 (45 Stat., p. 750), and May 5, 1930 (46 Stat., p. 261), and \$9,555,000, part of the amount authorized to be appropriated for the fiscal year 1932 by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$12,500,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That there shall be available from this appropriation not to exceed \$15,000 for the acquisition by purchase, condemnation, gift, grant, dedication, or otherwise of land and not to exceed \$120,000 for the acquisition by purchase or construction of a building or buildings for the storage and repair of Government equipment for use in the construction and maintenance of roads.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$579,110 for departmental personal services in the District of Columbia, \$125,000,000, to be immediately available and to remain available until expended, which sum is composed of \$42,400,000, a part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by paragraph 1 of the act approved May 26, 1928 (45 Stat., p. 750), and \$50,000,000, the sum authorized to be appropriated for the fiscal year ending June 30, 1931, by paragraph 2 of the act approved April 4, 1930 (46 Stat., p. 141), and \$32,600,000, part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by paragraph 1 of the act approved April 4, 1930 (46 Stat., p. 141).

Approved, February 23, 1931.

APPROPRIATION OF FEBRUARY 2, 1932

[47 Stat. 20]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1932, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1932, and for other purposes

* * * * *

Federal-aid highway system: For an additional amount for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355-359), and all acts amendatory thereof and supplementary thereto, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1932, including not to exceed \$142,434 for departmental personal services in the District of Columbia, \$50,000,000, to remain available until expended, being a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by paragraph 1 of the act approved April 4, 1930 (46 Stat. 141).

* * * * *

Approved, February 2, 1932.

APPROPRIATION OF JULY 7, 1932

[47 Stat. 634, 644]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933, and for other purposes

* * * * *

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$733,100 for departmental personal services in the District of Columbia, \$100,000,000, to be immediately available and to remain available until expended, which sum is composed of \$42,400,000, a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by paragraph 1 of the act approved April 4, 1930 (46 Stat., p. 141), and \$57,600,000, part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by paragraph 1 of the act approved April 4, 1930 (46 Stat., p. 141): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be directly employed, except this provision shall not apply to convict labor performed by convicts on parole or probation.

* * * * *

The appropriation of \$3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled "An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment," approved December 20, 1930, is hereby continued available during the fiscal year 1933, and not to exceed \$4,760 may be used for personal services in the District of Columbia.

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$81,020 for departmental personal services in the District of Columbia, \$8,905,000, which sum is composed of \$2,945,000, part of the sum of \$12,500,000 authorized to be appropriated for the fiscal year 1932 by the act approved May 5, 1930 (46 Stat., p. 261), and \$5,960,000, part of the amount authorized to be appro-

priated for the fiscal year 1933 by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$12,500,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1933, the expenditures on forest highways in Alaska from the amount herein appropriated or from similar appropriations heretofore made shall not exceed \$350,000, and the apportionment for forest highways in Alaska from the sum of \$12,500,000 authorized to be appropriated for the fiscal year 1933 shall be \$350,000.

* * * * *

Approved, July 7, 1932.

EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932

[47 Stat. 709]

An Act To relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Emergency Relief and Construction Act of 1932."

TITLE I—RELIEF OF DESTITUTION

SECTION 1. (a) The Reconstruction Finance Corporation is authorized and empowered to make available out of the funds of the corporation the sum of \$300,000,000, under the terms and conditions hereinafter set forth, to the several States and Territories, to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment, but not more than 15 per centum of such sum shall be available to any one State or Territory. Such sum of \$300,000,000 shall, until the expiration of two years after the date of enactment of this act, be available for payment to the governors of the several States and Territories for the purposes of this section, upon application therefor by them in accordance with subsection (c), and upon approval of such applications by the corporation.

(b) All amounts paid under this section shall bear interest at the rate of 3 per centum per annum, and, except in the case of Puerto Rico and the Territory of Alaska, shall be reimbursed to the corporation, with interest thereon at the rate of 3 per centum per annum, by making annual deductions, beginning with the fiscal year 1935, from regular apportionments made from future Federal authorizations in aid of the States and Territories for the construction of highways and rural post roads, of an amount equal to one-fifth of the share which such State or Territory would be entitled to receive under such apportionment, except for the provisions of this section, or of an amount equal to one-fifth of the amounts so paid to the governor of such State or Territory pursuant to this section and all accrued interest thereon to the date of such deduction, whichever is the lesser, until the sum of such deductions equals the total amounts paid under this section and all accrued interest thereon. Whenever any such deduction is made, the Secretary of the Treasury shall immediately pay to the corporation an amount equal to the amount so deducted. If any State or Territory shall, within two years after the date of enactment of this act, enter into an agreement with the corporation for the repayment to the corporation of the amounts paid under this section to the governor of such State or Territory, with interest

thereon as herein provided, in such installments and upon such terms as may be agreed upon, then the deduction under this subsection shall not be made unless such State or Territory shall be in default in the performance of the terms of such agreement. In the case of a default by the State or Territory in any such agreement, the agreement shall thereupon be terminated and reimbursement of the unpaid balance of the amount covered by such agreement shall be made by making annual deductions in the manner above provided (beginning with the fiscal year next following such default) from regular apportionments made to such State or Territory from future Federal authorizations in aid of the States and Territories for the construction of highways and rural post roads. Before any amount is paid under this section to the Governor of Puerto Rico or of the Territory of Alaska, Puerto Rico or the Territory of Alaska shall enter into an agreement with the corporation for the repayment of such amount with interest thereon as herein provided, in such installments and upon such terms and conditions as may be agreed upon.

(c) The governor of any State or Territory may from time to time make application for funds under this section, and in each application so made shall certify the necessity for such funds and that the resources of the State or Territory, including moneys then available and which can be made available by the State or Territory, its political subdivisions, and private contributions, are inadequate to meet its relief needs. All amounts paid to the governor of a State or Territory under this section shall be administered by the governor, or under his direction, and upon his responsibility. The governor shall file with the corporation and with the auditor of the State or Territory (or, if there is no auditor, then with the official exercising comparable authority) a statement of the disbursements made by him under this section.

(e) Any portion of the amount approved by the corporation for payment to the governor of a State or Territory shall, at his request, and with the approval of the corporation, be paid to any municipality or political subdivision of such State or Territory if (1) the governor makes as to such municipality or political subdivision a like certificate as provided in subsection (c) as to the State or Territory, and (2) such municipality or political subdivision enters into an agreement with the corporation for the repayment to the corporation of the amount so paid, with interest at the rate of 3 per centum per annum, at such times, and upon such other terms and conditions, as may be agreed upon between the corporation and such municipality or political subdivision. The amount paid to any municipality or political subdivision under this subsection shall not be included in any amounts reimbursable to the corporation under subsection (b) of this section.

(f) As used in this section the term "Territory" means Alaska, Hawaii, and Puerto Rico.

TITLE III—PUBLIC WORKS

SEC. 301. (a) For the purpose of providing for emergency construction of certain authorized public works with a view to increasing employment and carrying out the policy declared in the Employment Stabilization Act of 1931, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$322,224,000, which shall be allocated as follows:

(1) For expenditure in emergency construction on the Federal-aid highway system, \$120,000,000. Such sum shall be apportioned by the Secretary of Agriculture to the several States by the method provided in section 21 of the Federal Highway Act, as amended and supplemented (U. S. C., title 23, sec. 21). The amounts apportioned to the States shall be available as a temporary advance of funds to meet the provisions of such act as to State funds. The amount apportioned to any State under this paragraph may be used to match the regular annual Federal-aid apportionments made to such State (including the one for the fiscal year ending June 30, 1933), and when so used such amount shall be available for expenditure in paying the share of such State in the cost of Federal-aid projects. No amounts apportioned under this paragraph shall be advanced except for work on the Federal-aid highway system performed before July 1, 1933: *Provided*, That the amounts so advanced shall be reimbursed to the Federal Government over a period of ten years, commencing with the fiscal year 1938, by making annual deductions from regular apportionments made from future authorizations for carrying out the provisions of such act, as amended and supple-

mented: *Provided further*, That all contracts involving the expenditure of such amounts shall contain provisions establishing minimum rates of wages, to be predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work: *And provided further*, That in the expenditure of such amounts, the limitations in the Federal Highway Act, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall not apply. As used in this paragraph, the term "State" includes the Territory of Hawaii. The term "highway," as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, for the purposes of this paragraph only, shall be deemed to include such main State parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

(2) For expenditure in emergency construction during the fiscal year ending June 30, 1933, \$16,000,000, as follows: (A) For the construction and improvement of national-forest highways, \$5,000,000; (B) for the construction and maintenance of roads, trails, bridges, fire lanes, and so forth, including the same objects specified in the paragraph commencing with the words "Improvement of the national forests" under the heading "National Forest Administration" in the Agricultural Appropriation Act for the fiscal year ending June 30, 1932, approved February 23, 1931 (46 Stat. 1242), \$5,000,000; (C) for the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and national monuments under the jurisdiction of the Department of the Interior, including areas to be established as national parks authorized under the act of May 22, 1926 (U. S. C., supp. V, title 16, secs. 403 to 403c), and under the act of May 25, 1926 (U. S. C., supp. V, title 16, secs. 404 to 404c), and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, or any one section of such roads of not less than eight miles, which crosses lands wholly or to the extent of 90 per centum owned by the Government of the United States, \$3,000,000; (D) for construction and improvement of Indian reservation roads under the provisions of the act approved May 26, 1928 (U. S. C., supp. V, title 25, sec. 318a), \$1,000,000; and (E) for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of section 3 of the Federal Highway Act, as amended and supplemented (U. S. C., supp. V, title 23, secs. 3 and 3a), \$2,000,000. The Secretary of Agriculture and the Secretary of the Interior, respectively, are authorized to make rules and regulations for carrying out the foregoing provisions of this section with a view to providing the maximum employment of local labor consistent with reasonable economy of construction.

* * * * *

SEC. 304. The last paragraph of section 6 of the Federal Highway Act, approved November 9, 1921, as amended and supplemented (U. S. C., title 23, sec. 6), is hereby amended to read as follows:

"Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this act, said State through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to increase the mileage of the primary or interstate and secondary or intercounty systems by additional mileage equal to not more than 1 per centum of said total mileage of such State, and thereafter to make like increases in the mileage of said systems whenever provision has been made for the completion and maintenance of 90 per centum of the mileage of said systems previously authorized in accordance herewith."

* * * * *

SEC. 307. All contracts let for construction projects pursuant to this title shall be subject to the conditions that no convict labor shall be directly employed on any such project, and that (except in executive, administrative, and supervisory positions), so far as practicable, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week, and that in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents.

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Approved, July 21, 1932.

APPROPRIATION OF MARCH 3, 1933

[Public—No. 419—72d Congress]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1934 and for other purposes

* * * * *

BUREAU OF PUBLIC ROADS

For necessary expenses of the Bureau of Public Roads, including salaries and the employment of labor in the city of Washington and elsewhere, supplies, office and laboratory fixtures and apparatus, traveling and other necessary expenses; for conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; studies of types of mechanical plants and appliances used for road building and maintenance and of methods of road repair and maintenance suited to the needs of different localities; and maintenance and repairs of experimental highways, including the purchase of materials and equipment; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the act of July 11, 1916 (U. S. C., title 23, sec. 21), as amended, or as otherwise provided.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$672,009 for departmental personal services in the District of Columbia, \$35,000,000, to be immediately available and to remain available until expended, which sum is a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by section 1 of the act approved April 4, 1930 (46 Stat., p. 141), after deducting \$15,840,743.86 in making the apportionment of said authorization to the States, in accordance with the act of December 20, 1930 (46 Stat., p. 1031): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That whenever performing authorized engineering or other services in connection with the survey, construction and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided*, That hereafter in the administration of the Federal Highway Act and acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of the act of November 9, 1921, shall not apply to publicly owned toll bridges or approaches thereto, constructed and operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction, and when the cost of its construction shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

The appropriation of \$3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled "An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30,

1931, with a view to increasing employment," approved December 20, 1930, is hereby continued available during the fiscal year 1934.

The appropriation of \$2,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled "An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program," approved July 21, 1932, is hereby continued available during the fiscal year 1934, and not to exceed \$4,373 may be used for personal services in the District of Columbia.

* * * * *

That paragraph (1) of subsection (a) of section 301 of title 3 of the Emergency Relief and Construction Act of 1932 is amended by striking out the date of "July 1, 1933," where it appears in said paragraph and inserting in lieu thereof the date "January 1, 1934."

Total, Bureau of Public Roads, \$35,000,000.

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$74,269 for departmental personal services in the District of Columbia, \$4,457,400, a part of the amount authorized to be appropriated for the fiscal year 1933 by the act approved May 5, 1930: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1934, the expenditures on forest highways in Alaska from the amount herein appropriated or from similar appropriations heretofore made shall not exceed \$350,000.

The appropriation of \$800,000 for the construction on Government Island, Alameda, California, of buildings required by the Bureau of Public Roads and Forest Service of the Department of Agriculture and the Coast Guard of the Treasury Department, contained in the act entitled "An act making supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932", approved March 4, 1931, is hereby continued available during the fiscal year 1934.

The appropriation of \$5,000,000 for construction and improvement of national-forest highways contained in the act entitled "An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 21, 1932, is hereby continued available during the fiscal year 1934.

* * * * *

Approved, March 3, 1933.

NATIONAL INDUSTRIAL RECOVERY ACT

[Public—No. 67—73d Congress]

An Act To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes

* * * * *

TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

SECTION 201. (a) To effectuate the purposes of this title, the President is hereby authorized to create a Federal Emergency Administration of Public Works, all the powers of which shall be exercised by a Federal Emergency Administrator of Public Works (hereafter referred to as the "Administrator"), and to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any

officers and employees so appointed. The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint.

(b) The Administrator may, without regard to the civil service laws or the Classification Act of 1923, as amended, appoint and fix the compensation of such experts and such other officers and employees as are necessary to carry out the provisions of this title; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing and binding) as are necessary to carry out the provisions of this title.

(c) All such compensation, expenses, and allowances shall be paid out of funds made available by this act.

(d) After the expiration of two years after the date of the enactment of this act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended, the President shall not make any further loans or grants or enter upon any new construction under this title, and any agencies established hereunder shall cease to exist and any of their remaining functions shall be transferred to such departments of the Government as the President shall designate: *Provided*, That he may issue funds to a borrower under this title prior to January 23, 1939, under the terms of any agreement, or any commitment to bid upon or purchase bonds, entered into with such borrower prior to the date of termination, under this section, of the power of the President to make loans.

SEC. 202. The Administrator, under the direction of the President, shall prepare a comprehensive program of public works, which shall include among other things the following: (a) Construction, repair, and improvement of public highways and parkways, public buildings, and any publicly owned instrumentalities and facilities; (b) conservation and development of natural resources, including control, utilization, and purification of waters, prevention of soil or coastal erosion, development of water power, transmission of electrical energy, and construction of river and harbor improvements and flood control and also the construction of any river or drainage improvement required to perform or satisfy any obligation incurred by the United States through a treaty with a foreign Government heretofore ratified and to restore or develop for the use of any State or its citizens water taken from or denied to them by performance on the part of the United States of treaty obligations heretofore assumed: *Provided*, That no river or harbor improvements shall be carried out unless they shall have heretofore or hereafter been adopted by the Congress or are recommended by the Chief of Engineers of the United States Army; (c) any projects of the character heretofore constructed or carried on either directly by public authority or with public aid to serve the interests of the general public; (d) construction, reconstruction, alteration, or repair under public regulation or control of low-cost housing and slum-clearance projects; (e) any project (other than those included in the foregoing classes) of any character heretofore eligible for loans under subsection (a) of section 201 of the Emergency Relief and Construction Act of 1932, as amended, and paragraph (3) of such subsection (a) shall for such purposes be held to include loans for the construction or completion of hospitals the operation of which is partly financed from public funds, and of reservoirs and pumping plants and for the construction of dry docks; and if in the opinion of the President it seems desirable, the construction of naval vessels within the terms and/or limits established by the London Naval Treaty of 1930 and of aircraft required therefor and construction of heavier-than-air aircraft and technical construction for the Army Air Corps and such Army housing projects as the President may approve, and provision of original equipment for the mechanization or motorization of such Army tactical units as he may designate: *Provided, however*, That in the event of an international agreement for the further limitation of armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend, in whole or in part, any such naval or military construction or mechanization and motorization of Army units: *Provided further*, That this title shall not be applicable to public works under the jurisdiction or control of the Architect of the Capitol or of any commission or committee for which such Architect is the contracting and/or executive officer.

SEC. 203. (a) With a view to increasing employment quickly (while reasonably securing any loans made by the United States) the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, (1) to construct, finance, or aid in the construction or financing of any public-works project included in the program prepared pursuant to section

202; (2) upon such terms as the President shall prescribe, to make grants to States, municipalities, or other public bodies for the construction, repair, or improvement of any such project, but no such grant shall be in excess of 30 per centum of the cost of the labor and materials employed upon such project; (3) to acquire by purchase, or by exercise of the power of eminent domain, any real or personal property in connection with the construction of any such project, and to sell any security acquired or any property so constructed or acquired or to lease any such property with or without the privilege of purchase: *Provided*, That all moneys received from any such sale or lease or the repayment of any loan shall be used to retire obligations issued pursuant to section 209 of this act, in addition to any other moneys required to be used for such purpose; (4) to aid in the financing of such railroad maintenance and equipment as may be approved by the Interstate Commerce Commission as desirable for the improvement of transportation facilities; and (5) to advance, upon request of the Commission having jurisdiction of the project, the unappropriated balance of the sum authorized for carrying out the provisions of the act entitled "An act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930 (46 Stat. 583); such advance to be expended under the direction of such Commission and in accordance with such act: *Provided*, That in deciding to extend any aid or grant hereunder to any State, county, or municipality the President may consider whether action is in process or in good faith assured therein reasonably designed to bring the ordinary current expenditures thereof within the prudently estimated revenues thereof. The provisions of this section and section 202 shall extend to public works in the several States, Hawaii, Alaska, the District of Columbia, Puerto Rico, the Canal Zone, and the Virgin Islands.

(b) All expenditures for authorized travel by officers and employees, including subsistence, required on account of any Federal public-works projects, shall be charged to the amounts allocated to such projects, notwithstanding any other provisions of law; and there is authorized to be employed such personal services in the District of Columbia and elsewhere as may be required to be engaged upon such work and to be in addition to employees otherwise provided for, the compensation of such additional personal services to be a charge against the funds made available for such construction work.

(c) In the acquisition of any land or site for the purposes of Federal public buildings and in the construction of such buildings provided for in this title, the provisions contained in sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

(d) The President, in his discretion, and under such terms as he may prescribe, may extend any of the benefits of this title to any State, county, or municipality notwithstanding any constitutional or legal restriction or limitation on the right or power of such State, county, or municipality to borrow money or incur indebtedness.

SEC. 204. (a) For the purpose of providing for emergency construction of public highways and related projects, the President is authorized to make grants to the highway departments of the several States in an amount not less than \$400,000,000, to be expended by such departments in accordance with the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, except as provided in this title, as follows:

(1) For expenditure in emergency construction on the Federal-aid highway system and extensions thereof into and through municipalities. The amount apportioned to any State under this paragraph may be used to pay all or any part of the cost of surveys, plans, and of highway and bridge construction including the elimination of hazards to highway traffic, such as the separation of grades at crossing, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, the construction of facilities to improve accessibility and the free flow of traffic, and the cost of any other construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic. No funds made available by this title shall be used for the acquisition of any land, right of way, or easement in connection with any railroad grade elimination project.

(2) For expenditure in emergency construction on secondary or feeder roads to be agreed upon by the State highway departments and the Secretary of Agriculture: *Provided*, That the State or responsible political subdivision shall provide for the proper maintenance of said roads. Such grants shall be available for payment of the full cost of surveys, plans, improvement, and construction of

secondary or feeder roads, on which projects shall be submitted by the State highway department and approved by the Secretary of Agriculture.

(b) Any amounts allocated by the President for grants under subsection (a) of this section shall be apportioned among the several States seven-eighths in accordance with the provisions of section 21 of the Federal Highway Act, approved November 9, 1921, as amended and supplemented (which act is hereby further amended for the purposes of this title to include the District of Columbia), and one-eighth in the ratio which the population of each State bears to the total population of the United States, according to the latest decennial census and shall be available on July 1, 1933, and shall remain available until expended; but no part of the funds apportioned to any State need be matched by the State, and such funds may also be used in lieu of State funds to match unobligated balances of previous apportionments of regular Federal-aid appropriations.

(c) All contracts involving the expenditure of such grants shall contain provisions establishing minimum rates of wages, to be predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids, and shall be included in proposals for bids for the work.

(d) In the expenditure of such amounts, the limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall not apply.

(e) As used in this section the term "State" includes the Territory of Hawaii and the District of Columbia. The term "highway" as defined in the Federal Highway Act approved November 9, 1921, as amended and supplemented, for the purposes of this section, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

(f) Whenever, in connection with the construction of any highway project under this section or section 202 of this act, it is necessary to acquire rights of way over or through any property or tracts of land owned and controlled by the Government of the United States, it shall be the duty of the proper official of the Government of the United States having control of such property or tracts of land with the approval of the President and the Attorney General of the United States, and without any expense whatsoever to the United States, to perform any acts and to execute any agreements necessary to grant the rights of way so required, but if at any time the land or the property the subject of the agreement shall cease to be used for the purposes of the highway, the title in and the jurisdiction over the land or property shall automatically revert to the Government of the United States and the agreement shall so provide.

(g) Hereafter in the administration of the Federal Highway Act, and acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

SEC. 205. (a) Not less than \$50,000,000 of the amount made available by this act shall be allotted for (A) national forest highways, (B) national forest roads, trails, bridges, and related projects, (C) national park roads and trails in national parks owned or authorized, (D) roads on Indian reservations, and (E) roads through public lands, to be expended in the same manner as provided in paragraph (2) of section 301 of the Emergency Relief and Construction Act of 1932, in the case of appropriations allocated for such purposes, respectively, in such section 301, to remain available until expended.

(b) The President may also allot funds made available by this act for the construction, repair, and improvement of public highways in Alaska, the Canal Zone, Puerto Rico, and the Virgin Islands.

SEC. 206. All contracts let for construction projects and all loans and grants pursuant to this title shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed on any such project; (2) that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week; (3) that all employees shall be paid just and reasonable wages which shall be compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency

and comfort; (4) that in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (A) To citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed, and (B) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State, Territory, or district in which the work is to be performed: *Provided*, That these preferences shall apply only where such labor is available and qualified to perform the work to which the employment relates; and (5) that the maximum of human labor shall be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

SEC. 207. (a) For the purpose of expediting the actual construction of public works contemplated by this title and to provide a means of financial assistance to persons under contract with the United States to perform such construction, the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, to approve any assignment executed by any such contractor, with the written consent of the surety or sureties upon the penal bond executed in connection with his contract, to any national or State bank, or his claim against the United States, or any part of such claim, under such contract; and any assignment so approved shall be valid for all purposes, notwithstanding the provisions of sections 3737 and 3477 of the Revised Statutes, as amended.

(b) The funds received by a contractor under any advances made in consideration of any such assignment are hereby declared to be trust funds in the hands of such contractor to be first applied to the payment of claims of subcontractors, architects, engineers, surveyors, laborers, and material men in connection with the project, to the payment of premiums on the penal bond or bonds, and premiums accruing during the construction of such project on insurance policies taken in connection therewith. Any contractor and any officer, director, or agent of any such contractor, who applies, or consents to the application of, such funds for any other purpose and fails to pay any claim or premium hereinbefore mentioned, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) Nothing in this section shall be considered as imposing upon the assignee any obligation to see to the proper application of the funds advanced by the assignee in consideration of such assignment.

* * * * *

RULES AND REGULATIONS

SEC. 209. The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and any violation of any such rule or regulation shall be punishable by fine of not to exceed \$500 or imprisonment not to exceed six months, or both.

* * * * *

APPROPRIATION

SEC. 220. For the purposes of this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,300,000,000. The President is authorized to allocate so much of said sum, not in excess of \$100,000,000, as he may determine to be necessary for expenditures in carrying out the Agricultural Adjustment Act and the purposes, powers, and functions heretofore and hereafter conferred upon the Farm Credit Administration.

* * * * *

Approved, June 16, 1933.

**RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE
FOR CARRYING OUT THE FEDERAL HIGHWAY ACT (EXCEPT THE
PROVISIONS THEREOF RELATIVE TO FOREST ROADS)**

(Approved by the Secretary of Agriculture, July 22, 1922)

REGULATION 1. DEFINITIONS

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

Act.—The act of Congress approved July 11, 1916, entitled “An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes” (30 Stat. 355), as amended by the act of Congress approved February 28, 1919, entitled “An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes” (40 Stat. 1200, 1201), and as amended by the act of Congress approved November 9, 1921, entitled “An act to amend the act entitled ‘An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes’, approved July 11, 1916, as amended and supplemented, and for other purposes” (Public, No. 87, 67th Cong.).

Secretary.—The Secretary of Agriculture of the United States.

Bureau of Public Roads.—The Bureau of Public Roads of the United States Department of Agriculture.

Authorized representatives of the Secretary.—The Chief of the Bureau of Public Roads and such other officials and employees thereof as he may designate from time to time.

Federal-aid highway system.—The system of Federal-aid highways, established by actual agreement and joint action of the States and the Secretary of Agriculture, and upon which all Federal-aid funds shall be spent.

Primary highways.—The primary or interstate portion of the Federal-aid highway system composed of not to exceed three-sevenths thereof.

Secondary highways.—The secondary or intercounty portion of the Federal-aid highway system consisting of at least four-sevenths thereof.

Ten percent fund.—Items for engineering, inspection, and unforeseen contingencies not exceeding 10 percent of the total estimated cost of the construction.

REGULATION 2. APPLICATION OF REGULATIONS

SECTION 1. These regulations apply to all provisions of the act, except the provisions thereof to forest roads and trails, unless hereafter so made applicable by order of the Secretary.

SEC. 2. These regulations shall apply as fully where the extent to which the State may engage in road construction and maintenance work, or raise State revenues therefor, is limited by its existing constitution and laws as in any other case.

REGULATION 3. INFORMATION FOR THE SECRETARY

SECTION 1. Before any agreement is made upon any road or roads to be constructed in a State, or as to the character and method of construction, there shall be furnished to the Secretary upon his request, by or on behalf of the State, general information as to its laws affecting roads and the authority of the State and local officials in reference to the construction and maintenance of roads; as to the State highway department, how equipped and organized; as to the existing provisions of its constitution or laws relative to State revenues for the construction, reconstruction, or maintenance of roads; as to funds that will be available to meet the State's share of the cost of the construction work to be performed and the general source of such funds; and as to provisions made, or to be made, for maintaining roads upon which Federal-aid funds will be expended.

SEC. 2. Information requested by the Secretary or his authorized representatives relating to the maintenance of roads constructed under the provisions of the act shall be furnished from time to time by the State highway departments on forms supplied by the Bureau of Public Roads.

SEC. 3. Data furnished by or on behalf of a State shall be supplemented by such reports of the Bureau of Public Roads as the Secretary may from time to time require.

REGULATION 4. FEDERAL-AID HIGHWAY SYSTEM MAP

SECTION 1. Each State highway department shall file with the Secretary of Agriculture a State map showing the proposed Federal-aid highway system and indicating the primary and the secondary portions thereof in such form and with such information as he may require.

SEC. 2. The Secretary, through his authorized representatives, will make an examination of the proposed system and will from time to time notify the State highway department of the acceptability of the parts of the system examined.

SEC. 3. When agreement has been reached between the State highway department and the Secretary as to the whole (or if the State so desires, of a material portion) of the Federal-aid highway system, the State shall make formal request for the approval of the Secretary of Agriculture. This request will be accompanied by a State map showing the full proposed Federal-aid highway system with the primary and secondary highways upon which formal approval is requested, in such form and with such information as may be prescribed by the Secretary or his authorized representatives.

SEC. 4. Pending the formal approval of the State highway system in whole or in part by the Secretary of Agriculture, only such projects will be approved as are on routes indicated on the proposed Federal-aid highway system as submitted under section 1 and tentatively accepted by the Secretary under section 2 of this regulation: *Provided*, That the Secretary of Agriculture may approve project statements submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that the projects will become a part of such system.

REGULATION 5. PROJECT STATEMENTS

SECTION 1. A project statement may be submitted for the whole or any part of a continuous route or routes embraced in the Federal-aid highway system selected or designated in accordance with the provisions of the act, preference being given to such projects as will expedite the completion of a system of highways interstate in character.

SEC. 2. Prior to the selection, designation, and approval of the Federal-aid highway system, project statements may be submitted for any route or part of a route if the Secretary may reasonably anticipate that such route will become a part of such system. After the Federal-aid highway system shall have been selected, designated, and approved no project statement shall be submitted for any route or part of a route not embraced in the system so selected, designated, and approved.

SEC. 3. A project statement shall contain such information as the Secretary may require to be submitted on a form supplied by the Bureau of Public Roads and shall be accompanied by a sketch map in sufficient detail and covering such length of road as may be necessary to determine the fitness of the location as a part of the Federal-aid highway system and with the termini of the proposed improvement indicated thereon.

REGULATION 6. SURVEYS, PLANS, SPECIFICATIONS, AND ESTIMATES

SECTION 1. The surveys, plans, specifications, and estimates shall show in convenient form and detail the work to be performed and the probable cost thereof, all in conformity with the standards, governing form, and arrangement prescribed by the Secretary.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications govern may be submitted in lieu of the printed documents.

SEC. 3. Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory for recommendation, and the State has been so notified by the district engineer of the Bureau of Public Roads, no project or part thereof shall be let to contract.

SEC. 4. The estimate for each project shall show the estimated quantity and the estimated cost of each item of construction in detail and, separately, the 10 percent fund, and shall not include any expense for advertising.

SEC. 5. Unless State standard contract and bond forms have been approved, there shall be submitted with each set of plans for the approval of the Secretary copies of the form of contract, together with all documents referred to therein or made a part thereof, and of the contractor's bond which it is proposed to use

on the project. No alteration of either of these forms, when once approved, shall be made until it is approved by the Secretary.

SEC. 6. Where any part of the cost of a project is to be furnished by a county or other local subdivision or subdivisions of a State, the plans, specifications, and estimates shall be accompanied by certified copy of each resolution or order, if any, of the appropriate local officials, or such other showing as the Secretary may require respecting the funds which are made available, or respecting the supervision of the construction of the road and of the control of the money provided for paying such cost.

SEC. 7. Right of way ample for any project shall be provided and no incidental damages to adjoining property due to construction work paid for by or on behalf of the State, shall be included in the estimate or be paid in any part, directly or indirectly, by the Federal Government.

SEC. 8. Grade crossings occurring on the Federal-aid highway system shall be classified for priority of improvement by agreement between the State highway departments and the Bureau of Public Roads.

SEC. 9. No part of the expense of making surveys, plans, specifications or estimates, by or on behalf of the State prior to the beginning of construction work, shall be included in the estimate or paid by the Federal Government.

SEC. 10. Subsequent to the execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval by the Secretary of Agriculture, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representative.

REGULATION 7. PROJECT AGREEMENTS¹

SECTION 1. A project agreement between the State highway department and the Secretary shall be executed for each project on a form furnished by the Secretary. When authorized in writing by the Secretary, the Chief of the Bureau of Public Roads, may execute such agreements on behalf of the United States. No payment on any project shall be made by the United States unless and until such agreement has been executed, nor on account of work done prior to recommendation by the district engineer of the Bureau of Public Roads that the plans, specifications, and estimates be approved.

REGULATION 8. CONTRACTS

SECTION 1. No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary that adequate methods, either advertising or other devices appropriate for the purpose, were employed, prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money.

SEC. 2. Upon publication of advertisements copies thereof shall be furnished to the Bureau of Public Roads.

SEC. 3. Bids shall conform to the standard proposal form, and the items shall be the same as those contained in the estimate provided for in Regulation 6, section 4.

SEC. 4. Copy of the tabulated bid prices, showing the unit prices and the totals of each bid for every project, shall be furnished promptly to the Bureau of Public Roads.

SEC. 5. In advance of the acceptance of any bid sufficient notice of the time and place the contract is to be awarded shall be given to the Bureau of Public Roads to enable it, if it so desires, to have a representative present. When a bid has been accepted prompt notice thereof shall be given to the Bureau of Public Roads.

SEC. 6. If the contract be awarded to any other than the lowest responsible bidder, the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it be satisfactorily shown that it was advantageous to the work to accept the higher bid.

SEC. 7. The specifications and plans shall be made a part of the contract.

SEC. 8. A copy of each contract, as executed, shall be promptly certified by the State highway department and furnished to the Secretary, and no alteration in the contract shall be subsequently made without the approval of the Secretary.

¹ As amended July 5, 1933.

REGULATION 9. CONSTRUCTION

SECTION 1. Suitable samples of materials to be used in construction work shall be submitted, by or on behalf of the State highway department, to the Bureau of Public Roads whenever requested.

SEC. 2. Unless otherwise stipulated in writing by the Secretary or his authorized representative, materials for the construction of any project shall be tested, prior to use, for conformity with specifications, according to methods prescribed or approved by the Bureau of Public Roads.

Section 3 of Regulation 9 as amended October 5, 1933

SEC. 3. No part of the money apportioned under the act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or proprietary material, specification, or process for a distinctive type of construction unless purchased or obtained on open actual competitive bidding at the same or a less cost than unpatented articles or methods, if any, equally suitable for the same purpose, provided, however, that patented or proprietary articles or methods of reasonable cost which constitute minor elements of a contract item may be specified and paid for, in the discretion of the Bureau of Public Roads, if purchased in competition with one or more equally suitable patented or proprietary articles or methods or if information is included in the advertisement stating the price at which such patented or proprietary articles or methods are available to all contractors. Manufactured patented or proprietary articles which constitute a major part of the cost of a contract item may be specified and paid for if competition is assured with nonpatented or nonproprietary articles or between two or more manufactured patented or proprietary articles accepted as equally suitable for the same purpose. Nothing in this section shall be construed as a prohibition against the use of any patented or proprietary material, specification, or process for a distinctive type of construction on relatively short sections of road for experimental purposes.

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REGULATION 11. PAYMENTS

SECTION 1. Vouchers, in the form provided by the Secretary and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of construction of the project or, if the Secretary has determined to make payments as the construction progresses, at intervals of not less than one month.

REGULATION 12. SUBMISSION OF DOCUMENTS

SECTION 1. Papers and documents required by the act or these regulations to be submitted to the Secretary may be delivered to the Chief of the Bureau of Public Roads or his authorized representatives and, from the date of such delivery, shall be deemed submitted.

REGULATION 13. MAINTENANCE, RELOCATION AND RECONSTRUCTION, ABANDONMENT, OR SUBSTITUTION OF PROJECTS OR PORTIONS THEREOF

SECTION 1. A Federal-aid project or portion thereof, at the request of the State and for reasons deemed adequate by the Secretary, may be superseded in all respects as a Federal-aid project: (a), by the relocation and reconstruction of the project or portion thereof, in a manner satisfactory to the Secretary, with or without Federal aid; or (b), by constructing elsewhere, on the system of Federal-aid highways and in a manner satisfactory to the Secretary, a project of not less than equal length or cost. The project or portion thereof so relocated and reconstructed, or so constructed elsewhere on the system of Federal-aid highways, when accepted by the Secretary as superseding the original project or portion thereof, shall thereafter be maintained by the State. (Amendment No. 1, approved Sept. 6, 1927.)

REGULATION 14. PROJECTS ON WHICH INCREASE IN SHARE PAYABLE BY UNITED STATES IS REQUESTED

SECTION 1. States desiring to submit projects under the provisions of section 1 of the act approved May 21, 1928 (Public, No. 458, 70th Cong.), shall first submit to the Secretary a balanced program of projects calling for State and Federal funds so prorated that the respective totals shall conform to the legal ratio between State and Federal funds in force in the particular State. Projects included in the program must be on the State's primary system of Federal-aid highways, or on the secondary system when the latter is a continuation of a route on the State's primary system, or must connect directly with a route on the primary system of an adjoining State. Such program shall be on the basis of fiscal years beginning July 1 and ending June 30, and may be amended from time to time with the approval of the Chief of the Bureau of Public Roads. No project calling for an increased Federal pro rata not on the program will be approved by the Secretary. Projects on the program as a whole shall be carried forward throughout as nearly simultaneously as practicable, and each such project from inception to final completion will be handled in exactly the same manner as other Federal-aid projects: *Provided*, That at the time a State submits a program of projects such State shall submit also a showing that sufficient State funds for use solely in meeting its pro rata of the program are available.

REGULATION 15. PROJECTS UNDER EMERGENCY ACT OF DECEMBER 20, 1930¹

SECTION 1. The term "Emergency Advance Funds", as used in this regulation, shall mean the \$80,000,000 of Federal funds appropriated by the act of December 20, 1930 (Public, No. 550, 71st Cong.), to be used as a temporary advance of funds to meet the States' share of the cost of work performed before September 1, 1931, on Federal-aid projects under the Federal Highway Act. All projects involving the use of such funds shall be designated "Emergency Federal-aid Projects."

SEC. 2. Emergency Federal-aid projects shall be initiated by the States and submitted as other Federal-aid projects, and all such projects shall be subject to all provisions of these rules and regulations except where the same may be in conflict or inconsistent with this regulation.

SEC. 3. In the performance of work on emergency Federal-aid projects, in order to give employment to as much free labor as possible, no convict labor shall be used and preference shall be given to hand-labor methods where reasonably economical.

SEC. 4. All emergency Federal-aid projects shall be placed under construction at the earliest date practicable. All contracts awarded by State highway departments for the construction of such projects shall contain a stipulation requiring the contractors to begin construction work when so ordered by the State highway department and to maintain thereon at all times a maximum efficient working force. No contract for any such project shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads.

SEC. 5. No payment of Federal funds will be made for the rental of machinery or equipment furnished by the State in performing work on any emergency Federal-aid project.

SEC. 6. On each project involving emergency advance funds, regular Federal-aid funds apportioned to the State under the Federal Highway Act shall be used to the maximum extent permissible by the statute; provided, that this stipulation shall not operate to prevent any so-called public-land State from utilizing its apportionment of emergency advance funds.

SEC. 7. This regulation shall apply only to emergency Federal-aid projects.

SEC. 8. Progress payments, in the discretion of the Chief of the Bureau of Public Roads, may be made, as authorized by section 13 of the Federal Highway Act, for work involved in emergency Federal-aid projects, when the plans, specifications, and estimates therefor have been approved and certification of that fact made as required by section 11 of said act: *Provided*, That no final payment shall be made on any such project until a project agreement therefor has been executed.

¹ Amendments adopted Dec. 29, 1930, and May 16, 1931.

REGULATION 16. PROJECTS THROUGH UNAPPROPRIATED OR UNRESERVED PUBLIC LANDS, NONTAXABLE INDIAN LANDS, OR OTHER FEDERAL RESERVATIONS OTHER THAN FOREST RESERVATIONS ²

SECTION 1. The term "main roads" as used in the act of June 24, 1930 (Public, No. 426, 71st Cong.), shall be construed to include sections of the Federal-aid highway system, continuations thereof, and necessary connections between routes thereon.

SEC. 2. Projects for construction under said act of June 24, 1930, shall be selected and recommended jointly by the district engineer of the Bureau of Public Roads and the State highway department.

SEC. 3. Construction of projects hereunder may be undertaken either by the States or by the Federal Government, as may be provided by project agreements entered into between the State highway departments and the Secretary of Agriculture.

SEC. 4. All provisions of regulations 1 to 14, both inclusive, and of regulation 18, in so far as the same may be applicable and not in conflict with this regulation, shall apply to projects hereunder.

REGULATION 17. STATE EMERGENCY FINANCIAL CONDITIONS ³

SECTION 1. During the fiscal year 1932 it shall be discretionary with the Secretary to approve projects for which construction contracts were executed prior to approval of the project statements or prior to recommendation by the district engineer of the Bureau of Public Roads that the plans and specifications be approved, and to make payments on projects so approved for work performed prior to such recommendation by the district engineer, if the Secretary shall find that such projects are eligible in all other respects and that a public emergency exists with respect to the State's highway finances.

REGULATION 18. PROJECTS UNDER THE EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932 ⁴

SECTION 1. The term "Emergency Construction Highway Funds", as used in this regulation, shall mean the \$120,000,000 of Federal funds appropriated by the act of July 21, 1932 (Public, No. 302, 72nd Cong.), to be used as a temporary advance of funds to meet the States' share of the cost of work performed before July 1, 1933, on Federal-aid projects under the Federal Highway Act. All projects involving the use of such funds shall be designated "Emergency Construction Highway Projects", which shall be indicated on projects by prefixing the letter "E" to the project number.

SEC. 2. Emergency construction highway projects shall be initiated by the States and submitted as other Federal-aid projects, and all such projects shall be subject to all provisions of the rules and regulations, as heretofore promulgated and amended, except where the same may be in conflict or inconsistent with this regulation.

SEC. 3. A program of emergency construction highway projects shall be selected to meet the following conditions: A distribution of projects within the State which, measured in terms of both number and cost, shall bear a reasonably uniform relationship to the number of locally unemployed persons; a selection of types of construction that afford reasonable opportunities for employment of available unemployed persons; and the inclusion of types of construction that will permit employment through the winter months.

SEC. 4. Twenty-five percent of the emergency construction highway fund shall remain unobligated until November 1 in any State which shall not have established from other sources a reserve fund in at least an equivalent amount available for use for emergency highway employment purposes during the winter months.

SEC. 5. In the performance of work on emergency construction highway projects, no convict labor shall be directly employed.

SEC. 6. All contracts for the construction of emergency construction highway projects shall prescribe the minimum rates of wages, as predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined may be a minimum rate for unskilled labor and a minimum rate for skilled labor, or for skilled labor a minimum rate may be fixed for each class of such labor.

² Amendments adopted Dec. 29, 1930, and July 28, 1932.

³ Amendment adopted Apr. 23, 1932.

⁴ Amendments adopted July 28, 1932, and Aug. 25, 1932.

SEC. 7. Contracts for all emergency construction highway projects shall contain stipulations that (except in executive, administrative, and supervisory positions), so far as practicable, no individual directly employed on any such project shall be permitted to work more than thirty hours per week, and that in the employment of labor preference shall be given to available ex-service men who are found to be qualified and who have dependents.

SEC. 8. In order to give effect to the requirement in the statute for maximum employment of local labor consistent with reasonable economy in construction, hand-labor methods will be required to the extent possible without interfering with the quality of the work or unreasonably increasing its total cost.

SEC. 9. The specifications for each emergency construction highway project shall contain special provisions, which shall be in conformity with instructions issued by the Bureau of Public Roads, for carrying into effect the stipulations required by sections 6, 7, and 8 of this regulation, which shall include a requirement that the contractor shall promptly furnish to the State highway department copies of each pay roll certified under oath by the contractor or his authorized representative.

SEC. 10. In view of the need for providing immediate employment and the advanced stage of the current construction season, projects advertised for bids prior to approval of the project statement by the Secretary, and/or prior to recommendation of approval of the plans, specifications, and estimates by the district engineer of the Bureau of Public Roads, may be submitted as emergency construction highway projects, and the Secretary may approve such projects of this nature as in his judgment merit approval, if they comply in all other respects with the law and regulations.

SEC. 11. Projects for which contracts were awarded prior to the date of approval of this regulation but are inoperative because of lack of State funds may be submitted as emergency construction highway projects and, if eligible in all other respects, may be approved, if in the judgment of the Secretary the facts warrant such action, subject, however, to the condition that the contracts already contain, or that the contractors voluntarily agree to incorporating therein, such stipulations as are required by sections 6, 7, and 8 of this regulation, and subject also to such other conditions as the Secretary may impose.

SEC. 12. On each project involving emergency construction highway funds regular Federal-aid funds apportioned to the State under the Federal Highway Act shall be used to the maximum extent permissible by the statute: *Provided*, That the regular Federal aid on projects in States having relatively small unobligated balances of such funds shall be in such amounts as the Secretary may approve in the project agreement for each project.

SEC. 13. No contract for any emergency construction highway project hereafter shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads.

SEC. 14. Except as provided in regulation 16, this regulation shall apply only to "Emergency Construction Highway Projects" as defined in section 1 hereof.

SEC. 15. Progress payments, in the discretion of the Chief of the Bureau of Public Roads, may be made, as authorized by section 13 of the Federal Highway Act and when recommended by the district engineer of said Bureau, for work involved in "Emergency Construction Highway Projects," when the plans, specifications, and estimates therefor have been approved and certification of that fact made as required by section 11 of said act: *Provided*, That no final payment shall be made on any such project until a project agreement therefor has been executed.

**RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS
OF TITLE II OF THE NATIONAL INDUSTRIAL RECOVERY ACT FOR
CONSTRUCTING PUBLIC HIGHWAYS AND RELATED PROJECTS IN
ACCORDANCE WITH PROVISIONS OF THE FEDERAL HIGHWAY
ACT**

(Approved June 23, 1933)

DEFINITIONS

SECTION 1. The term "Act" as used herein shall be construed to mean those provisions of title II of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Cong.), which authorize the emergency construction of public highways and related projects in accordance with the provisions of the Federal Highway Act.

The term "State" as used herein shall include the Territory of Hawaii and the District of Columbia. The term "National Recovery Highway Funds" shall mean the \$400,000,000 of Federal funds authorized under section 204 of the act

of June 16, 1933 (Public, No. 67, 73d Cong.), to be granted to the several State highway departments for the construction of public highways and related projects on the Federal-aid highway system and on extensions thereof into and through municipalities and on secondary or feeder roads in accordance with the provisions of the Federal Highway Act. All projects located on the Federal-aid highway system outside of municipalities involving the use of such funds shall be designated "National Recovery Highway Projects," indicated by prefixing the letters "NRH" to the project number. All projects located on extensions of the Federal-aid highway system into and through municipalities involving the use of such funds shall be designated "National Recovery Municipal Highway Projects," indicated by prefixing the letters "NRM" to the project number. All projects located on secondary or feeder roads involving the use of such funds shall be designated "National Recovery Secondary Highway Projects," indicated by prefixing the letters "NRS" to the project number.

INITIATION OF PROJECTS

SEC. 2. All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects, and all such projects shall be subject to all provisions of the rules and regulations of the Secretary of Agriculture for administering the Federal Highway Act, as heretofore promulgated, except such provisions as are in conflict with these rules and regulations.

SECONDARY OR FEEDER ROADS DEFINED

SEC. 3. Secondary or feeder roads, as referred to in this section of the act, shall be defined as roads which are not now included in the approved system of Federal-aid highways, but which are either part of the State highway system or are important local highways leading to shipping points, or which will permit the coordination or extension of existing transportation facilities, including highway, rail, air, and water.

APPLICATION OF FUNDS TO PROJECTS

SEC. 4. Not more than 50 percent of the funds apportioned to any State under this act shall be applied to projects on the Federal-aid highway system outside of the corporate limits of municipalities; not less than 25 percent of such funds shall be applied to projects on extensions of the Federal-aid highway system into and through municipalities; and not more than 25 percent of such funds shall be applied to secondary or feeder roads until provision has been made for the satisfactory completion of at least 90 percent of the initial limiting Federal-aid highway system in such State. Upon a proper showing by any State that, either all needed improvements on extensions of the Federal-aid highway system into and through municipalities can be completed with an expenditure less than 25 percent of the State's apportionment, or that municipal authorities are unable or unwilling to obtain the necessary rights of way for needed improvements, or for other reasons, the Secretary of Agriculture may revise the above percentages with reference to such State. The reconstruction of existing facilities that are adequate for traffic shall not be considered needed improvements.

PRELIMINARY STATEMENT OF PROPOSED ASSIGNMENT OF APPORTIONMENT

SEC. 5. Each State highway department shall submit for approval to the Secretary of Agriculture and through him to the Special Board for Public Works a preliminary statement showing the proposed assignment of the State's apportionment to (1) the Federal-aid highway system outside of municipalities, (2) extensions of the Federal-aid highway system into and through municipalities, and (3) secondary or feeder roads. This statement shall list the counties or political subdivisions in which projects to be submitted will be located. A project or projects of one or more of the defined classifications shall be provided in at least 75 percent of all counties of the State, unless it be shown either (1) that the number of counties in which need of employment exists constitutes a smaller percentage of the total; or (2) that needed and suitable road construction projects cannot be found in that percentage of the total number of counties. In selecting counties in which projects are to be located, consideration shall be given to the relative need for employment in such counties.

DETAILED PROGRAMS OF PROPOSED CONSTRUCTION—PRIORITY OF PROJECTS

SEC. 6. Upon approval of the preliminary statement in whole or in part each State highway department shall prepare and submit detailed programs of proposed construction of each of the three classes of projects enumerated in the foregoing section, indicating the termini, the character of the work, the estimated cost, and the amount of Federal funds desired. The three programs may be submitted independently and may be so approved in whole or in part. In the selection of projects to be included in these programs priority shall be given to: (a) the closing of gaps in the Federal-aid highway system; (b) the appropriate landscaping of parkways or roadsides on a reasonably extensive mileage; (c) the correlating and supplementing of existing transportation facilities by road, rail, air, and water, and providing of service to freight-receiving stations, airports, and emergency landing fields; (d) reconstruction designed to reduce maintenance cost and decrease future State and local highway expenditures; (e) providing a large number of small projects designed to employ the maximum of human labor; and (f) the elimination of hazards to highway traffic, such as the separation of grades at crossings, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, and the construction of facilities to improve accessibility and the free flow of traffic.

The Secretary and the Board reserve the right to require the construction of roads desired by the United States Railroad Coordinator to provide adequate year-round highway service in replacement of branch-line railroad service proposed to be abandoned.

SURVEYS, PLANS, AND SPECIFICATIONS—PAYMENT OF COSTS

SEC. 7. Surveys and plans, specifications, and estimates for all projects under this act in each State shall be prepared under the immediate direction of the State highway department and the construction involved shall be under the immediate supervision of the State highway department. Funds apportioned under this act shall not be available for the payment of any portion of the cost of surveys and plans undertaken prior to the approval of the program. Payment will be made of the actual itemized expenditures for surveys and plans on National Recovery Highway Projects and National Recovery Municipal Highway Projects only upon a showing by the State that the revenues available to the State for such purposes are insufficient to pay such costs. Payment may be made of the actual itemized cost of surveys and plans for National Recovery Secondary Projects. Payment may be made of the actual itemized cost of construction engineering and inspection on all projects. Payment for engineering services will not be made on a percentage basis.

Each State shall maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties required by this act and these rules and regulations. No part of the cost of surveys, plans, and engineering supervision of construction will be paid to any State which restricts employment of engineers on such work to residents of the State, unless it shall be shown that a sufficient number of qualified engineers, trained in highway construction, are available within the State.

ADVERTISEMENT AND AWARD OF CONTRACTS⁵

SEC. 7a. Before contract is awarded for any project bids shall be requested by advertisements inserted once a week for two weeks in such newspapers and/or other publications as will insure adequate publicity, the second insertions of such advertisement to follow one week after the date of the first publication thereof. The advertisement shall require the bids to be submitted and opened two weeks after the date of the first publication of the advertisement, and award to the lowest and best bidder shall be made promptly after the opening of the bids.

The procedure outlined in this section is designed to expedite getting projects under construction, and shall be optional with the State highway departments.

⁵Amendment of Aug. 16, 1933.

CONTRACTS FOR CONSTRUCTION

SEC. 8. All contracts for the construction of highways under this act shall require the contractor to furnish all materials entering into the work, and no requirement shall be contained in any contract in any State providing price differentials for, or restricting the use of materials to, those produced within the State; provided, however, that preference shall be given to the use of materials produced under codes of fair competition approved under the National Industrial Recovery Act.

CONVICT LABOR

SEC. 9. No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under this act.

WAGES OF LABOR

SEC. 10. (a) All contracts for the construction of highways under this act shall prescribe the minimum rates of wages, as predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined may be a minimum rate for unskilled labor and a minimum rate for skilled labor, or for skilled labor a minimum rate may be fixed for each class of such labor. Such wages shall be just and reasonable compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency and comfort.

(b) All contracts for the construction of projects under this act shall require that the wages of skilled and unskilled labor shall be paid in legal tender of the United States. All contracts for the construction of projects under this act shall contain a provision that no deduction from the wages of skilled or unskilled labor shall be allowed on account of goods purchased or obligations incurred in any commissary or store owned, leased, or otherwise controlled by the contractor. Obligations so incurred shall be subject to collection only in the same manner in which obligations incurred in the ordinary course of business are collectible.

PREFERENCE IN EMPLOYMENT OF LABOR

SEC. 11. Contracts for all projects under this act shall contain stipulations that in the employment of labor preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (a) To citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed; and (b) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State in which the work is to be performed; provided that these provisions shall apply only where such labor is available and qualified to perform the work to which the employment relates.

HOURS OF LABOR

SEC. 12. Contracts for all projects under this act shall contain a stipulation that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual shall be permitted to work more than 30 hours in any one week. This requirement shall be construed (a) to permit working time lost because of inclement weather or unavoidable delays during the period of employment in any one week, to be made up in the succeeding week or weeks of any one calendar month; and (b) to permit a limitation of not more than 130 hours' work in any one calendar month to be substituted in the contract for the requirement of not more than 30 hours' work in any one week on projects in localities where a sufficient amount of labor is not available in the immediate vicinity of the work and unemployment has been absorbed in the area of the work. It shall not be considered practicable and feasible to apply either of these limitations to work located at points so remote and so inaccessible that camps are necessary for the housing and boarding of all of the labor employed on the work, as determined by the State highway department with the approval of the district engineer of the Bureau of Public Roads and the Director of the United States Employment Service prior to advertisement; provided, however, that in all such cases no individual shall be permitted to work more than 8 hours in any one day or more than 40 hours in any one week.

HUMAN LABOR IN LIEU OF MACHINERY

SEC. 13. In order to give effect to the provisions of this act it will be required that the maximum of human labor be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

CERTIFIED PAY ROLLS TO BE FURNISHED

SEC. 14. The specifications for each project shall contain special provisions which shall be in conformity with instructions issued by the Bureau of Public Roads for carrying into effect the stipulations required by these rules and regulations, which provisions shall include a requirement that the contractor shall promptly furnish to the State highway department copies of each pay roll certified under oath by the contractor or his authorized representative. Such copies shall be available for inspection by the Secretary of Agriculture and the Special Board for Public Works.

FUNDS MAY BE USED TO MATCH FEDERAL-AID FUNDS

SEC. 15. Funds apportioned to the State highway departments for the emergency construction of highways under this act may be used in lieu of State funds to match unobligated balances of previous apportionments of regular Federal-aid authorizations, and such regular Federal aid, so matched, may be used to the maximum extent legally permissible in the construction and reconstruction of projects on the Federal-aid highway system.

DESIGNATION OF EMPLOYMENT AGENCIES

SEC. 16. All contracts for work to be done under these regulations shall provide that labor required for such projects and appropriately to be secured through local employment services shall be selected from qualified workers referred by employment agencies designated by the United States Employment Service. The State highway departments shall include the above-stated requirement in their contracts.

SUBLETTING OR SUBCONTRACTING

SEC. 17. All contracts for projects under this act shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization.

USE OF DOMESTIC MATERIALS

SEC. 18. All contracts for projects under this act shall provide that in the performance of the work the contractor, subcontractors, material producers, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, unless articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; provided, however, that if a State highway department shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement, or that it would unreasonably increase the cost, an exception, with the approval of the Bureau of Public Roads, shall be noted in the specifications as to those particular articles, materials, or supplies, and a public record shall be made of the findings which justified the exception.

FORCE ACCOUNT WORK

SEC. 19. Any work done by direct labor under this act shall be subject to these rules and regulations. All materials used on such work shall be purchased under approved specifications on competitive bids after proper advertisement.

Section 20 as amended October 17, 1933

SEC. 20. When, in the opinion of the district engineer of the Bureau of Public Roads, a State shall have filed a complete project statement for a project and complete plans, specifications, and estimates therefor, or for any part thereof, the district engineer may authorize advertisement of such project, or of such part thereof, and/or may recommend approval of such plans, specifications, and estimates, but shall not concur in the award of any contract until after the project statement has been approved. No contract for any such project, or part thereof, shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads. Approval will not be given to any procedure or requirement designed to prevent the award of contracts to qualified contractors nonresident of the State in which the work is located.

APPROVAL OF PLANS BY DISTRICT ENGINEER

SEC. 20. No invitation for bids upon any project shall be advertised until the plans for such project have been recommended for approval by the district engineer of the Bureau of Public Roads, and no contract for any such project shall be entered into, or award therefor made, by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads. Approval will not be given to any procedure or requirement designed to prevent the award of contracts to qualified contractors nonresident of the State in which the work is located.

MAINTENANCE OF SECONDARY OR FEEDER ROAD PROJECTS

SEC. 21. Project agreements for secondary or feeder road projects shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary of Agriculture, an agreement with the county or other political subdivision for such maintenance.

MAINTENANCE OF EXTENSIONS THROUGH MUNICIPALITIES

SEC. 22. Project agreements for projects on extensions of the Federal-aid highway system into and through municipalities shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary of Agriculture, an agreement with the municipality or other political subdivision for such maintenance.

VIOLATIONS OF RULES AND REGULATIONS

SEC. 23. Any contractor who deliberately violates the spirit and intent of these rules and regulations or the special provisions issued thereunder shall not be eligible to bid upon any further work involving "National Recovery Highway Funds."

PAYMENTS TO STATES

SEC. 24. No payments will be made to any State on account of work performed on any project which has not been done in accordance with these rules and regulations and the special provisions issued thereunder.

APPLICATION OF REGULATIONS

SEC. 25. These regulations shall apply to National Recovery Highway Projects, National Recovery Municipal Highway Projects, and National Recovery Secondary Highway Projects as defined in section 1 hereof.

RULES AND REGULATIONS FOR ADMINISTERING FOREST ROADS AND TRAILS

(Approved January 16, 1919)

BASIS

That portion of section 2 of the Federal Highway Act, approved November 9, 1921, which defines the term "forest roads", all of section 23 of the said act, and such other portions of the act as apply to forest roads.

REGULATION 1. DEFINITIONS

For the purpose of these regulations the following terms shall be construed, respectively, to mean:

- SECTION 1. *Secretary*.—The Secretary of Agriculture of the United States.
- SEC. 2. *Bureau*.—Bureau of Public Roads of the Department of Agriculture.
- SEC. 3. *State*.—Any State, Territory, or insular possession.
- SEC. 4. *State highway department*.—As defined in the act.
- SEC. 5. *County authorities*.—The commissioners, supervisors, or officials in charge of the selection of roads in a county, road district, or town, and the expenditure of county funds for road building and maintenance.
- SEC. 6. *Forest roads*.—Roads wholly or partly within or adjacent to and serving the national forests.

SEC. 7. *Forest highway fund.*—The appropriation made by the act for forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, to be known as forest highways.

SEC. 8. *Forest development fund.*—The appropriation made by the act for roads and trails of primary importance for the protection, administration, and utilization of the national forests or when necessary for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, to be known as forest development roads.

SEC. 9. *Construction.*—Reconstruction and improvement of roads as well as original construction.

SEC. 10. *Maintenance.*—The making of necessary repairs and the preservation of a reasonably smooth surface, considering the type of road, but not extraordinary repairs or reconstruction.

SEC. 11. *Major project.*—A road whose survey and construction shall be prosecuted under the supervision of the Bureau. This term includes all road projects on the forest highway system except those—

(1) Which do not require the technical services of a highway engineering organization.

(2) Whose estimated average cost is less than \$2,000 per mile.

The term includes forest development roads whose estimated average cost exceeds \$5,000 per mile, or which require the technical services of a highway engineering organization.

SEC. 12. *Minor project.*—A road whose survey and construction shall be prosecuted under the supervision of the Forest Service. This term includes all trails and all roads not comprised within the definition of major project.

REGULATION 2. APPORTIONMENT

SECTION 1. From such information, investigations, and sources as the Forester shall deem most accurate he shall prepare a tabulation showing the areas and value of the national forest land in each State, including the value of forage and timber. This tabulation, if approved by the Secretary, shall serve as the basis of apportionment for the forest highway fund.

SEC. 2. The Secretary, after considering the recommendations of the Forester, will apportion the forest highway fund for expenditure within the States as follows: One half in the ratio that the area of national forest land in any State bears to the total area of such land in all States and one half in the ratio that the value of national forest land in any State bears to the total value of such land in all States.

SEC. 3. The Forester shall prepare a tabulation for the distribution of the forest development fund for expenditure within the States based on the relative needs of the various national forests, taking into consideration the existing transportation facilities, the value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction. This tabulation, if approved by the Secretary, shall constitute the apportionment of this fund for expenditure within the States.

SEC. 4. Ten percent of the amount apportioned for expenditure within each State from the forest highway fund shall be set aside for allotment for administrative expenses of the bureau and the Forest Service and for the purchase and maintenance of equipment. The portion of the amounts set aside not required for these purposes will be returned to funds for construction purposes.

SEC. 5. After deduction of the amounts set aside for administration and equipment expenses, the forest highway fund apportioned to the several States shall be available for expenditure on the survey, construction and maintenance of approved projects on the forest highway system.

SEC. 6. The apportionment for expenditure in each State from the forest development fund shall be available for administrative and equipment expenses of both bureaus, for the construction of major projects recommended by the Forester and approved by the Secretary, and for minor project work as approved by the Forester.

REGULATION 3. SELECTION OF FOREST HIGHWAY AND FOREST DEVELOPMENT ROAD SYSTEMS

SECTION 1. Forest roads shall be classified as follows:

(1) Forest highways, comprising the forest highway system.

(2) Forest development roads, comprising the forest development road system.

SEC. 2.¹ Forest highways will include three classes, as follows:

(1) Any forest road in the Federal-aid highway system, either wholly within or, when so designated by the Forester and chief of Bureau, partly without and adjacent to the national forests.

(2) Any forest road not in class 1 on an approved State highway system, when so designated by the Forester and the chief of Bureau.

(3) All other forest roads, of primary importance to the counties or communities.

SEC. 3. Forest development roads shall include all other existing or proposed roads within or adjacent to and serving the national forests and designated as forest roads by the Forester. A record of all roads designated as forest development roads will be furnished to the Bureau.

SEC. 4. The Bureau, acting for the Secretary, shall request each State highway department to submit a map of the roads within and adjacent to the national forests which in its judgment should be included in the forest highway system, of primary importance to the State or to the counties or communities thereof. Each State highway department shall be requested, before submitting such a plan, to secure and consider recommendations from the proper county road officials as to forest highways of primary importance to the counties and communities. The district engineers of the Bureau will file together with their recommendations copies of the map with the district forester.

SEC. 5. Each district forester of the Forest Service shall prepare for the national forests in each State or portion of State within his district maps showing the existing and proposed roads within, adjoining, and adjacent to the forests classified as to status, type, and function. This plan shall be based upon the primary road system proposed by the State highway department. It shall show in which of the following classes, in the judgment of the district forester, each proposed forest road should be included:

(1) Forest highway system, classified as in section 2, regulation 3.

(2) Forest development road system.

Trails, maintenance work, and minor repairs and construction estimated to cost less than \$500 per mile will not be included on such maps.

The plan shall be revised annually in accordance with the above procedure.

SEC. 6. The Bureau, acting for the Secretary, shall arrange a conference with the State highway department and the Forest Service for consideration of the forest highway system proposed by the State highway department and the district forester. Following such conference final recommendations for the designation of a forest highway system shall be submitted to the Secretary by the chief of the Bureau and the Forester.

SEC. 7. The forest highway system may be added to or revised by the action of both bureaus, following the procedure herein provided for the original designation of the system.

SEC. 8. The forest development road system shall be added to or revised as the Forester shall prescribe.

REGULATION 4. SELECTION OF FOREST HIGHWAY AND FOREST DEVELOPMENT PROGRAMS

SECTION 1. The chief of the Bureau and the Forester shall, following the recommendations from their district representatives, prepare and submit to the Secretary a list of the forest highway projects selected for the initial (fiscal years 1922 and 1923) forest highway program. The program shall include provision for the maintenance of roads existing or under construction. This list shall set forth the location, available cooperation if any, whether major or minor, and the tentative expenditure authorized from the forest highway and other available forest-road funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest highway program.

SEC. 2. Subsequent projects to be incorporated in the forest highway program shall be selected as follows: All projects proposed by counties, communities, or other agencies shall be submitted to the State highway department. The Bureau, acting for the Secretary, shall request each State highway department to submit a list of proposed projects, including its recommendations on all projects submitted to it by counties or other agencies. All projects shall be submitted as far as practicable on forms furnished by the Secretary.

SEC. 3. The recommendations of the bureau on all projects received from the State highway department shall be furnished to the district forester and the State highway department. The district forester shall investigate any proposed projects coming within the requirements of the forest highway fund, including those

¹ As amended June 30, 1931.

submitted by county authorities, communities, or other agencies to the State highway department. The district forester shall call upon the district engineer of the Bureau for any necessary engineering investigations to supply accurate and full information with reference to proposed State or county projects. The district engineer shall arrange for joint conferences with the State highway department and the district forester for final consideration of the program. A joint report shall be filed with the Forester and the Chief of the Bureau, together with such additional recommendations as their respective representatives may wish to make, following which the Forester and the Chief of the Bureau will submit a program of recommended forest highway projects to the Secretary for approval, classified as major and minor. The forest highway program may be added to and modified from time to time, following the same procedure. The program shall include provision for the maintenance of roads existing or under construction.

SEC. 4. The selection of forest highways for improvement or construction shall include only those which qualify under section 2, regulation 3.

SEC. 5. The forest highway program shall be based upon the following considerations:

- (1) Construction correlation with adjacent Federal and State road programs.
- (2) The interests of communities within, adjoining, or adjacent to the national forests.
- (3) Service to the national forests by increasing their value and usefulness.
- (4) The economy of continuity of operations.
- (5) Benefit to forest development, protection, and administration.
- (6) Amount of available cooperative funds.

SEC. 6. The district forester shall prepare and submit for approval by the Forester and Secretary a list of forest development roads which constitute major projects. This list shall set forth location, available cooperation if any, and authorized expenditure from the forest development or other available funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest development program. The selection of forest development roads and trails constituting minor projects shall rest with the forester.

REGULATION 5. COOPERATIVE AGREEMENTS

SECTION 1. Cooperation from the State highway department, county authorities, or other agencies, associations, or individuals shall not be required but may be accepted.

Cooperative agreements shall be entered into for all projects which involve financial contributions to surveys, construction, or maintenance by the State highway departments or county authorities, and shall be approved prior to beginning survey or construction as the case may be.

SEC. 2. Negotiations for cooperative agreements for approved forest highway projects of the first two classes under section 2, regulation 3, shall be conducted by the Bureau, following an agreement with the Forest Service as to financial cooperation, if any, and maintenance. The detailed provisions of the agreements shall be those agreed upon by the Bureau and the State highway department. All agreements for construction shall be based upon location survey estimates and shall be prepared on forms furnished by the Secretary for execution by the Secretary and the State highway department.

SEC. 3. Negotiations for cooperative agreements for other forest road projects shall be conducted by the Forest Service, after consultation with the Bureau as to their technical and financial features. The detailed provisions of the agreement shall be those agreed upon by the Forest Service and the cooperating agency. All such agreements for the construction of major projects shall be based upon survey estimates prepared by the Bureau and shall be prepared for execution by the Secretary and the cooperating agency. Agreements for minor projects shall be executed by the Forester or district forester of the Forest Service and the cooperating agency.

REGULATION 6. SURVEYS, CONSTRUCTION, AND MAINTENANCE

SECTION 1. The survey and construction of minor projects included in the forest highway and forest development programs shall proceed under the direction of the Forest Service. On roads that may ultimately be improved to constitute part of an important public highway, a reconnaissance survey shall be made by the Bureau, and all construction shall follow the location so determined as closely as practicable.

SEC. 2. A location survey and estimate of cost of major projects included in the forest highway and forest development programs, under allotments set up as provided in regulation 7, shall be made by the Bureau as soon as practicable.

SEC. 3. Construction work on any major project included in the forest highway or forest development program shall not be authorized or undertaken until a location survey and cost estimate satisfactory to the Bureau has been made by the Bureau, unless specifically agreed upon by the Forester and the chief of the Bureau.

SEC. 4. Upon the completion of such survey and cost estimate, the construction of a designated project, conforming with the original project or forming a part thereof, at a designated cost not exceeding by more than 25 percent the expenditure authorized in the forest highway or forest development program, may be authorized by joint agreement of the chief of the Bureau and the Forester. Construction projects substantially deviating from the project as approved in the forest highway or forest development programs or which exceed by more than 25 percent the expenditure authorized therein shall be submitted by the chief of the Bureau and the Forester to the Secretary for approval.

SEC. 5. Following the authorization of any major construction project as provided in this regulation, the Bureau shall proceed with its construction under an allotment set up as provided in regulation 7.

SEC. 6. The construction of projects on all national forest highways of classes 1 and 2 of regulations 3 section 2, shall be in accordance with plans and specifications prepared under the direction of the Bureau. Such construction shall not be started until the plans and specifications have been approved by the Bureau and by the State highway department, and until the district forester has had opportunity to examine the location map or surveyed line and to indicate any details of location desirable for the protection or development of the national forests.

The construction of all other major projects under the direction of the Bureau shall be in accordance with the plans and specifications prepared by the Bureau and approved by the Forest Service and each cooperating agency.

SEC. 7. The construction of minor projects shall be in accordance with the specifications approved by the Forest Service and such cooperating agency as may be involved.

SEC. 8. Construction work on national forest highways of classes 1 and 2 of regulation 3, section 2, shall not be considered complete until the project has been inspected and approved by the Bureau and the State highway department, nor until the district forester has approved the clearing and disposal of refuse. No other construction work on major projects shall be accepted as complete by the Bureau until it has been inspected and approved by the district forester and the cooperator.

SEC. 9. Maintenance work on all forest highways shall be performed by the Bureau unless otherwise specified by agreement. The maintenance of all other road and trail projects shall be performed by the Forest Service unless otherwise provided by cooperative agreement.

REGULATION 7. RECORDS AND ACCOUNTING¹

SECTION 1. Following the approval of the initial forest highway program for any State and of any subsequent projects or group of projects included therein, a lump sum allotment shall be set up by the Forest Service with the district fiscal agent of the Forest Service for disbursement on vouchers approved by authorized officers of the bureau covering:

- (1) The authorized expenditures of all approved major projects.
- (2) The current cost of maintenance on all projects to be maintained by the Bureau, as estimated by the Bureau.
- (3) From the administrative and equipment fund provided for by regulation 2, section 4, an amount for administrative expenses and equipment equal to ten percent of the sum of nos. 1 and 2.

SEC. 2. Following the approval of the forest development road program for any State or subsequent development projects in that State, a similar allotment covering major projects so approved shall be set up for disbursement on vouchers approved by the Bureau, and a similar procedure followed in subsequent adjustments or transfers.

SEC. 3. Corresponding allotments shall be set up by the Forest Service with the district fiscal agents of the service covering approved minor projects and the expenditures of the Forest Service for administration and maintenance. One

¹ As amended Apr. 5, 1923.

percent of each Forest Highway apportionment shall be similarly set up, for administrative expenses of the Forest Service.

SEC. 4. The Forester shall be responsible for maintaining an accurate fiscal record of the status of all appropriations for national forest roads and all expenditures and allotments thereunder for administration, equipment, surveys, construction, and maintenance.

SEC. 5. As soon as practicable after the end of each fiscal year the Forest Service shall prepare a report to the Secretary showing the work accomplished in each State on forest development roads and the disbursements made therefor. For the purpose of this report the bureau shall furnish to the Forest Service information regarding the work accomplished on any forest development roads under the direction of the Bureau. The Bureau shall also furnish to the Forest Service a copy of each monthly statement exhibiting the progress of all its construction and the financial status of each project.

As soon as practicable after the end of each fiscal year the Bureau shall also report to the Secretary the work done on national forest highways in each State and the disbursements made therefor.

SEC. 6. Cooperative funds deposited in the United States Treasury shall be placed in the appropriation "Cooperative work, Forest Service", authorized by act of Congress of June 30, 1914 (38 Stat. 415, 430), and shall be audited, disbursed, and recorded in the same manner as funds under the act. Cooperative funds not deposited in the Treasury shall be audited and disbursed as provided in the cooperative agreement.

SEC. 7. The Bureau shall keep all records which it deems necessary of survey, construction, and maintenance costs on major projects supervised by it. The Bureau shall furnish the Forest Service with a final report showing the accomplishments and expenditures on each project constructed by it, and on the projects constructed under a cooperative agreement a copy of the report will be furnished by the Bureau to the cooperating agency.

REGULATION 8¹

SECTION 1. The term "Emergency construction forest-highway funds," as used in this regulation, shall mean the five million dollars of Federal funds appropriated by the act of July 21, 1932 (Public, No. 302, 72d Cong.), to be used for the construction and improvement of national-forest highways. All projects involving the use of such funds shall be known as "Emergency construction forest-highway projects" and shall be designated by prefixing the letter "E" to the project number.

SEC. 2. In the performance of work on emergency construction forest-highway projects, no convict labor shall be directly employed.

SEC. 3. All contracts for the construction of emergency construction forest-highway projects shall prescribe the minimum rates of wages which the contractors shall pay skilled and unskilled labor, and such minimum rates shall be stated also in the proposals or bids which may be submitted. The wage rates so fixed may be a minimum rate for unskilled labor and a minimum rate for skilled labor, or they may be minimum rates for unskilled labor and for different classes of skilled labor.

SEC. 4. Contracts for all emergency construction forest-highway projects shall contain stipulations that (except in executive, administrative, and supervisory positions), so far as practicable, no individual directly employed on any such project shall be permitted to work more than thirty hours per week, and that in the employment of labor preference shall be given to available ex-service men who are found to be qualified, and who have dependents.

SEC. 5. In order to give effect to the requirement in the statute for maximum employment of local labor consistent with reasonable economy in construction, hand labor methods will be required to the extent possible without interfering with the quality of the work or unreasonably increasing its total cost.

SEC. 6. The specifications for each emergency construction forest highway project shall contain special provisions for carrying into effect the stipulations required by sections 3, 4, and 5 of this regulation, which shall include a requirement that the contractor shall promptly furnish to the district engineer of the Bureau of Public Roads one copy of each pay roll certified under oath by the contractor or his authorized representative.

SEC. 7. All forest highway projects advertised for contract subsequent to the date of approval of this regulation during the fiscal year 1933 shall be emergency

¹ Amendment adopted July 29, 1932.

construction forest highway projects and shall be financed jointly with regular forest highway funds and emergency construction forest highway funds.

SEC. 8. This regulation shall apply only to emergency construction forest highway projects.

RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF TITLE II OF THE NATIONAL INDUSTRIAL RECOVERY ACT AUTHORIZING FUNDS UNDER SECTION 205 FOR THE CONSTRUCTION OF HIGHWAYS AND RELATED PROJECTS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 301 OF THE EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932

(Approved August 9, 1933)

APPLICATION OF REGULATIONS

SECTION 1. The term "act" as used herein shall be construed to mean those provisions of title II of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Cong.), which authorize the construction of (a) national forest highways, (b) national forest roads, trails, bridges, and related projects, (c) national park roads and trails in national parks, owned or authorized, (d) roads on Indian reservations, and (e) roads through public lands, under an allotment of funds to be expended as provided in paragraph (2) of section 301 of the Emergency Relief and Construction Act of 1932. These regulations shall apply to (1) national forest highways, (2) national park roads and trails in national parks, owned or authorized, and (3) roads through public lands, constructed in whole or in part with funds made available under section 205 of the act.

PROJECTS SUBJECT TO OTHER RULES AND REGULATIONS

SEC. 2. (a) All forest highway projects involving the use of funds under section 205 of the act shall be subject also to the rules and regulations of the Secretary of Agriculture for administering forest roads and trails under the provisions of the Federal Highway Act, as heretofore promulgated and amended, except such provisions thereof as are in conflict or inconsistent with these rules and regulations.

(b) All projects in national parks and national monuments and in authorized national park areas, involving the use of funds under section 205 of the act, shall be subject to all the provisions of the rules and regulations of the Secretary of the Interior for administering road and trail projects, except such provisions as are in conflict or inconsistent with these rules and regulations.

(c) All projects through public lands, involving the use of funds under this act, shall be subject to the provisions of regulations 16 and 18 of the rules and regulations of the Secretary of Agriculture for administering the Federal Highway Act, except such provisions as are in conflict or inconsistent with these rules and regulations.

PRIORITY OF PROJECTS

SEC. 3. In the selection of projects to be included in the programs for work under this act priority shall be given to those projects most urgently needed and of the highest importance for the purposes to be served by the appropriation and for serving the Federal properties upon which the appropriation is based; that is, national forests, national parks, or public lands. In determining such need and importance full consideration shall be given to: (a) The closing of gaps in the Federal-aid highway system; (b) the appropriate landscaping of parkways or roadsides on a reasonably extensive mileage; (c) the correlating and supplementing of existing transportation facilities by road, rail, air, and water, which serve the Federal reservations; (d) reconstruction designed to reduce maintenance cost and decrease future Federal highway expenditures; (e) providing a large number of small projects designed to employ the maximum of human labor; and (f) the elimination of hazards to highway traffic, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, and the construction of facilities to improve accessibility and the free flow of traffic.

PREFERENCE IN THE USE OF MATERIALS

SEC. 4. All contracts for the construction of projects under this act shall require that preference be given to the use of materials produced under codes of fair competition approved under the National Industrial Recovery Act.

CONVICT LABOR

SEC. 5. No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under this act.

WAGES OF LABOR

SEC. 6 (a) All contracts for the construction of projects under the act shall prescribe the minimum rates of wages, as predetermined by the contracting officer or his duly authorized representative, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined may be a minimum rate for unskilled labor and a minimum rate for skilled labor, or for skilled labor a minimum rate may be fixed for each class of such labor. Such wages shall be just and reasonable compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency and comfort.

(b) All contracts for the construction of projects under this act shall require that the wages of skilled and unskilled labor shall be paid in legal tender of the United States. All contracts for the construction of projects under this act shall contain a provision that no deduction from the wages of skilled or unskilled labor shall be allowed on account of goods purchased or obligations incurred in any commissary or store owned, leased or otherwise controlled by the contractor. Obligations so incurred shall be subject to collections only in the same manner in which obligations incurred in the ordinary course of business are collectible.

PREFERENCE IN EMPLOYMENT OF LABOR

SEC. 7. Contracts for all projects under this act shall contain stipulations that in the employment of labor preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (a) To citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed; and (b) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State in which the work is to be performed; provided that these provisions shall apply only where such labor is available and qualified to perform the work to which the employment relates.

HOURS OF LABOR

SEC. 8. Contracts for all projects under this act shall contain a stipulation that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual shall be permitted to work more than 30 hours in any 1 week. This requirement shall be construed, (a) to permit working time lost because of inclement weather or unavoidable delays during the period of employment in any 1 week, to be made up in the succeeding week or weeks of any 1 calendar month; and (b) to permit a limitation of not more than 130 hours' work in any 1 calendar month to be substituted in the contract for the requirement of not more than 30 hours' work in any 1 week on projects in localities where a sufficient amount of labor is not available in the immediate vicinity of the work. It shall not be considered practicable and feasible to apply either of these limitations to work located at points so remote and so inaccessible that camps are necessary for the housing and boarding of all of the labor employed on the work, and unemployment has been absorbed in the area of the work, as determined by the contracting officer or his duly authorized representative prior to advertisement: *Provided, however, That in all such cases no individual shall be permitted to work more than 8 hours in any 1 day or more than 40 hours in any 1 week.* The limitation on hours of employment shall not apply to labor while employed in fighting forest fires.

HUMAN LABOR IN LIEU OF MACHINERY

SEC. 9. In order to give effect to the provisions of the act it will be required that the maximum of human labor be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

CERTIFIED PAY ROLLS TO BE FURNISHED

SEC. 10. The specifications for each project shall contain special provisions which shall be in conformity with instructions issued by the Bureau of Public Roads for carrying into effect the stipulations required by these rules and regulations, which provisions shall include a requirement that the contractor shall promptly furnish to the contracting officer, or his duly authorized representative, copies of each pay roll certified under oath by the contractor or his authorized representative. Such copies shall be available for inspection by the Special Board for Public Works.

SELECTION OF LABOR

SEC. 11. All contracts for work to be done under these regulations shall provide that the labor required shall be selected from qualified workers referred by employment agencies designated by the United States Employment Service.

SUBLETTING OR SUBCONTRACTING

SEC. 12. All contracts for projects under the act shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization.

FORCE ACCOUNT WORK

SEC. 13. Any work done by direct labor under the act shall be subject to these rules and regulations.

VIOLATIONS OF RULES AND REGULATIONS

Sec. 14. Any contractor who deliberately violates the spirit and intent of these rules and regulations or the special provisions issued thereunder shall not be eligible to bid upon any further work involving the use of funds under section 204 and section 205 of the National Industrial Recovery Act.

APPLICATION OF REGULATIONS

SEC. 15. These regulations shall apply to all projects defined in section 1 hereof.

FLOOD-RELIEF LEGISLATION AND RULES AND REGULATIONS

APPROPRIATIONS FOR VERMONT, NEW HAMPSHIRE, AND KENTUCKY

[45 Stat. 570]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes

* * * * *

FLOOD RELIEF, VERMONT, NEW HAMPSHIRE, AND KENTUCKY

For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, \$2,654,000; New Hampshire, \$653,300; Kentucky, \$1,889,994; in all, \$5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States with the approval of the Secretary of Agriculture for the restoration, including relocation, of roads and

bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein.

* * * * *

Approved, May 16, 1928.

APPROPRIATION FOR MISSOURI, MISSISSIPPI, LOUISIANA, AND ARKANSAS

[45 Stat. 1381]

An Act Making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes

* * * * *

For the relief of the following States as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Missouri, \$258,418; Mississippi, \$628,000; Louisiana, \$967,582; Arkansas, \$1,800,000; in all, \$3,654,000, to be available immediately and to remain available until expended: *Provided*, That such portion of the sums hereby appropriated as will be available for future construction shall be expended by the State highway departments of the respective States with the approval of the Secretary of Agriculture for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That any sum hereby appropriated for any State shall become available when the State shall have actually expended or shall have made available for expenditure a like sum from State funds for the purposes contained herein: *Provided further*, That where any roads or bridges shall be or shall have been constructed of a more expensive type than those which were damaged or destroyed, the appropriation contained herein shall not be used to defray any part of the increase in cost occasioned thereby.

* * * * *

Approved, February 28, 1929.

AUTHORIZATION AND APPROPRIATION FOR ALABAMA

[46 Stat. 84]

An Act For the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,660,000 for the relief of the State of Alabama, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of Alabama through the damage to or destruction of roads and bridges by floods in 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear. Such portion of the sum hereby authorized to be appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture. Any portion of the sum hereby authorized to be appropriated shall become available when the State of Alabama shows to the satisfaction of the Secretary of Agriculture that it has, either before or after the approval of this Act, actually expended, or made available for expenditure, for the restoration, including relocation, of roads and bridges so damaged

or destroyed, a like sum from State funds. Nothing in this Act shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of any appropriations made for carrying out the provisions of this Act, not to exceed two and a half per centum may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, materials, equipment and office fixtures, and to incur such travel and other expense as he may deem necessary for carrying out the purpose of this Act: *Provided further*, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Alabama, or the necessary relocation of such roads and bridges.

Approved, March 12, 1930.

APPROPRIATION FOR ALABAMA

[46 Stat. 100]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Relief of the State of Alabama: For carrying out the provisions of the act entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929," approved March 12, 1930, \$1,660,000, to remain available until June 30, 1931.

* * * * *

Approved, March 26, 1930.

AUTHORIZATION FOR GEORGIA

[46 Stat. 386]

An Act For the relief of the State of Georgia for damage to and destruction of roads and bridges by floods in 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$506,067.50 for the relief of the State of Georgia, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of Georgia through the damage to or destruction of roads and bridges by floods in 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear. Such portion of the sum hereby authorized to be appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, together with interstate bridges across the Savannah River at or near Augusta, Georgia, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture. Any portion of the sum hereby authorized to be appropriated shall become available when the State of Georgia shows to the satisfaction of the Secretary of Agriculture that it has, either before or after the approval of this act, actually expended, or made available for expenditure, for the restoration, including relocation, of roads and bridges so damaged or destroyed, a like sum from State funds. Nothing in this act shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of any appropriations made for carrying out the provisions of this act, not to exceed 2½ per centum may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, material, equipment, and office fixtures and to incur such travel and other expense as he may deem necessary for carrying out the purpose of this act: *Provided further*, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Georgia, or the necessary relocation of such roads and bridges.

Approved May 27, 1930.

AUTHORIZATION FOR SOUTH CAROLINA

[46 Stat. 489]

An Act For the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$805,561 for the relief of the State of South Carolina, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of South Carolina through the damage to or destruction of roads and bridges by floods in 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear. Such portion of the sum hereby authorized to be appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture. Any portion of the sum hereby authorized to be appropriated shall become available when the State of South Carolina shows to the satisfaction of the Secretary of Agriculture that it has, either before or after the approval of this act, actually expended or made available for expenditure, for the restoration, including relocation of roads and bridges so damaged or destroyed, a like sum from State funds. Nothing in this act shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of any appropriations made for carrying out the provisions of this act, not to exceed 2½ per centum may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, material, equipment, and office fixtures, and to incur such travel and other expense as he may deem necessary for carrying out the purpose of this act: *Provided further*, That no portion of this appropriation shall be used as reimbursement or contribution, except on highways and bridges now in the Federal-aid highway system in South Carolina, or the necessary relocation of such roads and bridges.

Approved, June 2, 1930.

AMENDMENT RELATIVE TO BRIDGE AT HAZARD, KY.

[46 Stat. 528]

An Act To amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the item "Flood relief, Vermont, New Hampshire, and Kentucky" in the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, approved May 16, 1928 (Forty-fifth Statutes at Large, page 570), be, and the same is hereby, amended by adding at the end thereof the following:

"*And provided further*, That the Secretary of Agriculture may cooperate with the State of Kentucky in acquiring the bridge built and now operated by the Citizens Bridge Company, of the city of Hazard, Kentucky, over the North Fork of Kentucky River from Main Street in said city to the Louisville and Nashville Railroad right of way and depot, and out of the funds herein appropriated for the relief of said State he may pay one-half of the cost of acquiring said bridge, such payment in no event to exceed \$31,000, and the other one-half of such cost shall be paid by the State of Kentucky. After acquiring said bridge no tolls shall thereafter be charged."

Approved, June 9, 1930.

APPROPRIATION FOR GEORGIA AND SOUTH CAROLINA

[46 Stat. 872]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

MISCELLANEOUS

* * * * *

Road and bridge flood relief, Georgia and South Carolina: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act for the relief of the State of Georgia for damage to and destruction of roads and bridges by floods in 1929," approved May 27, 1930, \$506,067.50, and the act entitled "An act for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929," approved June 2, 1930, \$805,561; in all, fiscal year 1931, \$1,311,628.50.

* * * * *

Approved, July 3, 1930.

APPROPRIATIONS FOR GEORGIA, SOUTH CAROLINA, AND ALABAMA
MADE AVAILABLE UNTIL JUNE 30, 1932

[46 Stat. 1276]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes

* * * * *

Road and bridge flood relief, Georgia and South Carolina: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act for the relief of the State of Georgia for damage to and destruction of roads and bridges by floods in 1929," approved May 27, 1930, and the act entitled "An act for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929," approved June 2, 1930, the unexpended balances of the appropriations for these purposes contained in the Second Deficiency Act, 1930, shall remain available until June 30, 1932.

Relief of the State of Alabama: The unexpended balance of the appropriation of \$1,660,000 contained in the First Deficiency Act, fiscal year 1930, for carrying out the provisions of the act entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929," approved March 12, 1930, shall remain available until June 30, 1932.

* * * * *

Approved, February 23, 1931.

APPROPRIATION FOR FLORIDA

[46 Stat. 1563]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes

* * * * *

For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by floods imposing a public charge against the property of the State beyond its reasonable capacity to bear, \$80,307: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges.

* * * * *

Approved, March 4, 1931.

**APPROPRIATIONS FOR GEORGIA, SOUTH CAROLINA, AND ALABAMA
MADE AVAILABLE UNTIL JUNE 30, 1933**

[47 Stat. 635]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933 and for other purposes

* * * * *

Road and bridge flood relief, Georgia and South Carolina: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act for the relief of the State of Georgia for damage to and destruction of roads and bridges by floods in 1929", approved May 27, 1930, and the act entitled "An act for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929", approved June 2, 1930, the unexpended balances of the appropriations for these purposes contained in the Second Deficiency Act, 1930, shall remain available until June 30, 1933.

Relief of the State of Alabama: The unexpended balance of the appropriation of \$1,660,000 contained in the First Deficiency Act, fiscal year 1930, for carrying out the provisions of the act entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929", approved March 12, 1930, shall remain available until June 30, 1933.

* * * * *

Approved, July 7, 1932.

**APPROPRIATIONS FOR GEORGIA, SOUTH CAROLINA, AND ALABAMA
MADE AVAILABLE UNTIL JUNE 30, 1934**

[Public—No. 419—72d Congress]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1934 and for other purposes

* * * * *

Road and bridge flood relief, Georgia and South Carolina: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act for the relief of the State of Georgia for damage to and destruction of roads and bridges by floods in 1929", approved May 27, 1930, and the act entitled "An act for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929", approved June 2, 1930, the unexpended balances of the appropriations for these purposes contained in the Second Deficiency Act, 1930, shall remain available until June 30, 1934.

Road and bridge flood relief, State of Alabama: The unexpended balance of the appropriation contained in the First Deficiency Act, fiscal year 1930, for carrying out the provisions of the act entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929", approved March 12, 1930, shall remain available until June 30, 1934.

* * * * *

Approved, March 3, 1933.

**RULES AND REGULATIONS FOR CARRYING OUT THE FLOOD-RELIEF
ACT FOR VERMONT, NEW HAMPSHIRE, AND KENTUCKY**

(Approved by the Secretary of Agriculture, June 26, 1928)

REGULATION 1. DEFINITIONS

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

Act.—Those provisions of the act of Congress approved May 16, 1928, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes" (Public, No. 392, 70th Cong.), appropriating certain specific sums for the relief of the States of Vermont, New Hampshire, and Kentucky, respectively, because of the unusually serious financial loss in such States through the damage to or destruction of roads and bridges by the floods of 1927.

Secretary.—The Secretary of Agriculture of the United States.

Authorized representatives of the Chief of the Bureau of Public Roads.—District engineers and such other officials or employees as the chief of bureau may designate from time to time.

REGULATION 2. APPLICATION OF REGULATIONS

SECTION 1. These rules and regulations shall apply to all projects (or portions of projects) which may be submitted by a State under the act, whether such projects are or are not on the system of Federal-aid highways.

SEC. 2. All projects submitted by a State under the act shall be subject also to the rules and regulations made and published by the Secretary under date of July 22, 1922, for carrying out the Federal Highway Act (except the provisions thereof relative to forest roads), insofar as such rules and regulations are not inconsistent nor in conflict with the act or with these rules and regulations.

SEC. 3. That portion of the act which reads "in such manner as to give the largest measure of permanent relief" is construed to comprehend: (a) The establishment of continuity of routes in whole or in part destroyed or damaged by the floods of 1927, so designed and built as to afford adequate highway service within the most reasonable maintenance cost, (b) the rebuilding or restoring of feeder roads, including bridges to the main routes, in a manner adequate for the traffic, and designed to withstand future possible floods, and (c) such incidental work as may be necessary to protect and to complete the improvement in a manner calculated to prove durable and lasting.

REGULATION 3. PROGRAM OF FLOOD RELIEF PROJECTS

SECTION 1. On or before July 15, 1928, the highway department of each of the States of Vermont, New Hampshire, and Kentucky shall file with the Secretary a map on which shall be shown the several areas in which roads and bridges were damaged or destroyed by floods during the calendar year 1927 and shall submit with such map a tabulation of the State's proposed program of flood-relief projects.

SEC. 2. The program as submitted by a State may be revised or amended from time to time.

REGULATION 4. PROJECT STATEMENTS

SECTION 1. The highway department of each State shall submit, on the regular Federal-aid forms of the Bureau of Public Roads, a project statement for each proposed flood-relief project. Each project shall be designated "State —, Flood Relief Project No. —." These projects shall be numbered consecutively, in the order of their submission, from 1 up.

SEC. 2. Such project statements may be submitted in general terms descriptive of the work to be done, (a) over a route if on a Federal-aid highway or a main State highway, or (b) within a county or town if not on a Federal-aid highway or main State highway. After such project statement is approved, the plans, specifications, and estimates may be submitted by sections, lettered consecutively. Each section shall be accompanied by a sketch map and other information in such detail as will enable the Secretary to determine the relation of the work proposed to the damage wrought by the floods of 1927, the measure of permanent relief which it will afford and the propriety of its approval under the act.

SEC. 3. In addition to ordinary bridge work, grading, and surfacing incidental to the type of highway improvement determined, projects may include such items as channel changes, stream control, or other work necessary to the completed road, but shall not include charges for rights of way or damages to private property.

REGULATION 5. SURVEYS, PLANS, SPECIFICATIONS, AND ESTIMATES

SECTION 1. The surveys, plans, specifications, and estimates shall be made by the highway departments of the respective States and shall show in convenient form and detail the work to be performed and the probable cost thereof, which may include the cost of making such surveys, plans, specifications, and estimates.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been submitted by the highway department and approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications shall govern may be submitted in lieu thereof.

REGULATION 6. PROJECT AGREEMENTS

SECTION 1. A project agreement between the highway department and the Secretary for each flood-relief project or section thereof shall be executed on a form to be furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed.

SEC. 2. Subsequent to execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval of the Secretary, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representative.

REGULATION 7. FORCE ACCOUNT WORK

SECTION 1. Force account projects may be approved to the limited extent determined by: (a) The availability of suitable equipment owned by the State, (b) work of a character not feasible to contract, and (c) the availability of an efficient force already organized by the State and operating or ready to operate without delay.

RULES AND REGULATIONS FOR CARRYING OUT THE FLOOD-RELIEF ACT FOR MISSOURI, MISSISSIPPI, LOUISIANA, AND ARKANSAS

(Approved by the Secretary of Agriculture, Apr. 19, 1929)

REGULATION 1. DEFINITIONS

SECTION 1. For the purposes of these regulations the following terms shall be construed, respectively, to mean:

Act.—Those provisions of the act of Congress approved February 28, 1929, entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes" (Public, No. 843, 70th Cong.), appropriating specific sums for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas, respectively, because of the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927.

Secretary.—The Secretary of Agriculture of the United States.

Authorized representatives of the Chief of Bureau of Public Roads.—District engineers and such other officials or employees as the chief of bureau may designate from time to time.

REGULATION 2. APPLICATION OF REGULATIONS

SECTION 1. These rules and regulations shall apply to all projects (or portions of projects) which may be submitted by a State under the act, whether such projects are or are not on the system of Federal-aid highways.

SEC. 2. All projects submitted by a State under the act shall be subject also to the rules and regulations made and published by the Secretary under date of July 22, 1922, for carrying out the Federal Highway Act (except the provisions thereof relative to forest roads), in so far as such rules and regulations are not inconsistent nor in conflict with the act or with these rules and regulations.

SEC. 3. That portion of the act which reads "In such manner as to give the largest measure of permanent relief" is construed to comprehend: (a) The establishment of continuity of routes in whole or in part destroyed or damaged by the floods of 1927, so designed and built as to afford adequate highway service within the most reasonable maintenance cost; (b) the rebuilding or restoring of feeder roads, including bridges, to the main routes, in a manner adequate for the traffic, and designed to withstand future possible floods; and (c) such incidental work as may be necessary to protect and to complete the improvement in a manner calculated to prove durable and lasting.

SEC. 4. That for the purpose of determining the sums of money actually expended by the States prior to the passage of the act for the restoration of roads and bridges damaged or destroyed by the 1927 floods the highway departments shall submit to the Secretary certified statement with supporting documents showing the money so expended from State funds. The term "State funds" is construed to mean funds derived solely from State sources as distinguished from funds supplied by counties or other local subdivisions of the State.

SEC. 5. The last proviso of the act which specifies that "Where any roads or bridges shall be or shall have been constructed of a more expensive type than those which were damaged or destroyed, the appropriation contained herein shall not be used to defray any part of the increase in cost occasioned thereby" relates to the character or type of a road or bridge damaged or destroyed and not to its cost. Reimbursement may therefore be made (a) to the extent of 50 percent of the cost of a road or bridge reconstructed or to be reconstructed of a similar type, although of greater cost, or (b) where a more expensive type of road or bridge is or has been reconstructed, to the extent of 50 percent of the reconstruction costs of a road or bridge of a type similar to that which was damaged or destroyed.

REGULATION 3. PROGRAM OF FLOOD-RELIEF PROJECTS

SECTION 1. On or before July 1, 1929, the highway department of each of the States of Missouri, Mississippi, Louisiana, and Arkansas shall file with the Secretary a map on which shall be shown the several areas in which roads and bridges were damaged or destroyed by floods during the calendar year 1927.

SEC. 2. A tabulation shall be submitted showing the location, length, and type of roads and bridges which were damaged or destroyed by floods, and the type of roads and bridges which have been restored with the State funds for which reimbursement is to be requested.

A similar tabulation shall be submitted showing the location, length, and type of roads and bridges damaged or destroyed by floods which are proposed for reconstruction under the provisions of the act.

SEC. 3. Where a more expensive type of road or bridge is to be reconstructed the State highway department shall show separately the estimated cost of the restoration of the type that has been damaged or destroyed and the estimated cost of the more expensive type.

SEC. 4. With the approval of the Secretary the program as submitted by a State may be revised or amended from time to time.

REGULATION 4. REIMBURSEMENT FOR WORK COMPLETED PRIOR TO APPROVAL OF ACT

SECTION 1. Vouchers may be submitted covering all roads and bridges restored prior to February 28, 1929. Such vouchers must be accompanied by supporting data setting forth the location, length, type of reconstruction, itemized statement of cost of reconstruction from State funds, with all supporting documents evidencing payments made, and a statement that the work was performed because of damage to or destruction by the 1927 floods. This information should be given for each road or bridge on account of which reimbursement is requested.

SEC. 2. Where a road or bridge has been reconstructed of a higher type, an estimate of the cost of reconstructing the same of a type similar to that damaged or destroyed should be furnished in addition to the information required by section 1 of this regulation.

SEC. 3. The request for reimbursement shall be made on a form to be furnished by the Secretary of Agriculture.

REGULATION 5. PROJECT STATEMENTS

SECTION 1. The highway department of each State shall submit, on the regular Federal-aid forms of the Bureau of Public Roads, a project statement for each proposed flood-relief project to be reconstructed under the provisions of the act. Each project shall be designated "State —, Flood-Relief Project No. —." These projects shall be numbered consecutively, in the order of their submission, from 1 up.

SEC. 2. Such project statements may be submitted in general terms descriptive of the work to be done, (a) over a route if on a Federal-aid highway or a main State highway, or (b) within a county or town if not on a Federal-aid highway or main State highway. After such project statement is approved, the plans, specifications, and estimates may be submitted by sections, lettered consecutively. Each section shall be accompanied by a sketch map and other information in such detail as will enable the Secretary to determine the relation of the work proposed to the damage wrought by the floods of 1927, the measure of permanent relief which it will afford, and the propriety of its approval under the act.

SEC. 3. In addition to ordinary bridge work, grading, and surfacing incidental to the type of highway improvement determined, projects may include such items as channel changes, stream control, or other work necessary to the completed road, but shall not include charges for rights of way or damages to private property.

REGULATION 6. SURVEYS, PLANS, SPECIFICATIONS, AND ESTIMATES

SECTION 1. The surveys, plans, specifications, and estimates shall be made by the highway departments of the respective States and shall show in convenient form and detail the work to be performed and the probable cost thereof, which may include the cost of making such surveys, plans, specifications, and estimates.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been submitted by the highway department and approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications shall govern may be submitted in lieu thereof.

REGULATION 7. PROJECT AGREEMENTS

SECTION 1. A project agreement between the highway department and the Secretary for each flood-relief project or section thereof to be constructed shall be executed on a form to be furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed.

Sec. 2. Subsequent to execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval of the Secretary, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representatives.

REGULATION 8. FORCE ACCOUNT WORK

SECTION 1. Force account projects may be approved to the limited extent determined by: (a) The availability of suitable equipment owned by the State, and (b) work of a character not feasible to contract.

RULES AND REGULATIONS FOR CARRYING OUT THE FLOOD-RELIEF ACT FOR ALABAMA

(Approved by the Secretary of Agriculture, Apr. 16, 1930)

REGULATION 1. DEFINITIONS

SECTION 1. For the purposes of these regulations the following terms shall be construed, respectively, to mean:

Act.—The act of Congress approved March 12, 1930, entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929" (Public, No. 71, 71st Cong.).

Secretary.—The Secretary of Agriculture of the United States.

Authorized representatives of the Chief of Bureau of Public Roads.—The district engineer and such other officials or employees as the chief of bureau may designate from time to time.

REGULATION 2. APPLICATION OF REGULATIONS

SECTION 1. These rules and regulations shall apply to all projects which may be submitted by the State under the act. All such projects must be located on the Federal-aid highway system of the State.

SEC. 2. All projects submitted by the State under the act shall be subject also to the rules and regulations made and published by the Secretary under date of July 22, 1922, for carrying out the Federal Highway Act (except the provisions thereof relative to forest roads), insofar as such rules and regulations are not inconsistent nor in conflict with the act or with these rules and regulations.

Sec. 3. That portion of the act which reads "in such manner as to give the largest measure of permanent relief" is construed to comprehend: (a) The establishment of continuity of routes in whole or in part damaged or destroyed by the floods of 1929, so designed and built as to afford adequate highway service; and (b) such incidental work as may be necessary to protect and to complete the improvement in a manner calculated to prove durable and lasting.

Sec. 4. For the purpose of determining the sums of money actually expended by the State prior to the passage of the act for the restoration of roads and bridges damaged or destroyed by the 1929 floods the highway department shall submit

to the Secretary certified statement with supporting documents showing the money so expended from State funds. The term "State funds" is construed to include funds derived solely from State sources as distinguished from funds supplied by counties or other local subdivisions of the State.

SEC. 5. Restoration work under construction or under contract on March 12, 1930, will not be considered as work completed prior to the date of approval of the act but shall be subject to the same requirements as projects on which work is commenced or contract entered into subsequent to such date, and payment of the Federal pro rata share of the cost of such projects will be made upon the approval of proper vouchers after project agreements have been formally executed.

REGULATION 3. PROGRAM OF FLOOD RELIEF PROJECTS

SECTION 1. On or before July 1, 1930, the highway department of Alabama shall file with the Secretary a map on which shall be shown the several areas in which roads or bridges were damaged or destroyed by floods during the calendar year 1929, together with a tabulation showing the location, length, and type of roads and bridges damaged or destroyed by floods which are proposed for reconstruction under the provisions of the act.

SEC. 2. With the approval of the Secretary the program as submitted by the State may be revised or amended from time to time.

REGULATION 4. REIMBURSEMENT OR PAYMENT OF FEDERAL PRO RATA

SECTION 1. Vouchers may be submitted covering all roads and bridges restored prior to March 12, 1930. Such vouchers must be accompanied by supporting data setting forth the location, length, and type of reconstruction, itemized statement of cost of reconstruction from State funds, with all supporting documents evidencing payments made, and a statement that the work was performed because of damage or destruction caused by 1929 floods. This information should be given for each road or bridge on account of which reimbursement is requested.

SEC. 2. Requests for reimbursement or payment shall be made on forms to be furnished by the Secretary of Agriculture, but in no event shall such reimbursement or payment exceed fifty percent of the cost of the work.

REGULATION 5. PROJECT STATEMENTS

SECTION 1. The highway department shall submit, on the regular Federal-aid forms of the Bureau of Public Roads, a project statement for each proposed flood-relief project to be reconstructed under the provisions of the act. Each project shall be designated "Alabama Flood-Relief Project No. ____." These projects shall be numbered consecutively, in the order of their submission, from 1 up.

SEC. 2. Such project statements may be submitted in general terms descriptive of the work to be done over a route on the Federal-aid highway system, showing (a) the termini of the project, (b) the Federal-aid route number, and (c) if the work involves a restoration of a project improved under the provisions of the Federal Highway Act, the Federal-aid project number thereof. After such project statement is approved, the plans, specifications, and estimates may be submitted by sections, lettered consecutively. Each section shall be accompanied by a sketch map and other information in such detail as will enable the Secretary to determine the work proposed in relation to the damage wrought by the floods of 1929, the measure of permanent relief which it will afford, and the propriety of its approval under the act.

SEC. 3. In addition to ordinary bridge work, grading, and surfacing incidental to the type of highway improvement determined, projects may include such items as channel changes, stream control, or other work necessary to the completed road, but shall not include charges for rights of way or damages to private property.

REGULATION 6. SURVEYS, PLANS, SPECIFICATIONS, AND ESTIMATES

SECTION 1. The surveys, plans, specifications, and estimates shall be made by the highway department of the State and shall show in convenient form and detail the work to be performed and the probable cost thereof, which may include the cost of making such surveys, plans, specifications, and estimates.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been submitted by the highway department and approved by the Chief of the Bureau of Public Roads a statement to the effect that such approved standard specifications shall govern may be submitted in lieu thereof.

REGULATION 7. PROJECT AGREEMENTS

SECTION 1. A project agreement between the highway department and the Secretary for each flood-relief project or section thereof to be constructed shall be executed on a form to be furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed.

SEC. 2. Subsequent to execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval of the Secretary, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representatives.

REGULATION 8. FORCE ACCOUNT WORK

SECTION 1. Force account projects will not be approved except to the limited extent determined by: (a) Work of a character not feasible to contract, and (b) the availability of suitable equipment owned by the State.

RULES AND REGULATIONS FOR CARRYING OUT THE FLOOD-RELIEF ACTS FOR GEORGIA AND SOUTH CAROLINA

The rules and regulations for South Carolina and Georgia flood-relief work, which were approved by the Secretary July 16, 1930, are identical with the rules and regulations approved for Alabama with the exception of the date of approval of each act and the time within which the flood area map and tabulation of projects must be filed. The Georgia flood-relief act was approved May 27, 1930, and the South Carolina flood-relief act on June 2, 1930. The map and tabulation for each of these States must be submitted not later than September 1, 1930.

MISCELLANEOUS LEGISLATION**AUTHORIZATION OF ROAD CONSTRUCTION IN NATIONAL PARKS**

[43 Stat. 90]

An Act Authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in his administration of the National Park Service, is hereby authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

SEC. 2. That for such purposes, including the making of necessary surveys and plans, there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums, to be available until expended: The sum of \$2,500,000 for the fiscal years ending June 30, 1924, and June 30, 1925; the sum of \$2,500,000 for the fiscal year ending June 30, 1926; and the sum of \$2,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per centum authorized by section 5 of the act of November 10, 1921 (Forty-second Statutes at Large, page 213) not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: *Provided*, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use.

Approved, April 9, 1924.

ASSISTANCE IN FURTHERANCE OF INTER-AMERICAN HIGHWAY AUTHORIZED**[45 Stat. 490]**

Joint Resolution Authorizing assistance in the construction of an inter-American highway on the Western Hemisphere

Whereas the Sixth International Conference of American States, at Habana, Cuba, resolved as follows:

"To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economical cooperation of the different countries, and other matters included in the determination of this problem.

"The Pan American Union is entrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States should manifest the utmost interest in the purposes of the aforesaid resolution, and that in order to promote the speedy realization of these purposes and objects the President is requested to direct the several agencies of the Government, and they are hereby authorized to lend such cooperation and assistance as may be feasible and appropriate with a view to having the matter thoroughly considered by the approaching conference; and he is further requested to advise Congress of any conclusions reached and any action which may be suggested by the conference.

Approved, May 4, 1928.

COOPERATION IN FURTHERANCE OF INTER-AMERICAN HIGHWAY AUTHORIZED**[45 Stat. 1697]**

Joint Resolution Authorizing the appropriation of the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways

Whereas the Sixth International Conference of American States, by resolution adopted at Habana, on February 7, 1928, intrusted the Pan American Union with the preparation of projects for the construction of an inter-American highway; and

Whereas the governing board of the Pan American Union, acting through the Pan American Confederation for Highway Education, has requested the cooperation of the several Governments, members of the Union, in the formulation of such projects; and

Whereas the Congress of the United States of America, by joint resolution approved May 4, 1928, requested the President to direct the several agencies of the Government to cooperate with the States, members of the Pan American Union, in the preparation of such projects: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate, in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation, and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described.

Approved, March 4, 1929.

APPROPRIATIONS IN FURTHERANCE OF INTER-AMERICAN HIGHWAY

[45 Stat., 115]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Inter-American highway: To enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees and rent in the District of Columbia and elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books and documents, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described, fiscal year 1930, to remain until expended, \$50,000.

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Approved, March 26, 1930.

USE OF FEDERAL PRISONERS IN ROAD CONSTRUCTION AND FOR OTHER PURPOSES AUTHORIZED

[46 Stat., 391]

An Act To provide for the diversification of employment of Federal prisoners, for their training and school ing in trades and occupations, and for other purposes

* * * * *

SEC. 2. The Attorney General may make available the services of United States prisoners to the heads of the several departments under such terms, conditions, and at such rates as may be mutually agreed upon, for the purpose of constructing or repairing roads the cost of which is borne exclusively by the United States; clearing, maintaining, and reforesting public lands; building levees; and for constructing or repairing any other public ways or works which are or may be financed wholly or in major part by funds appropriated from the Treasury of the United States. To carry out the purpose of this section the Attorney General may establish, equip, and maintain camps upon sites selected by him and designate such camps as a place for confinement of persons convicted of an offense against the laws of the United States, or transfer thereto any person convicted of any offense against the laws of the United States. The expenses of transferring and maintaining prisoners at such camps shall be paid from the appropriation "Support of United States prisoners," and said appropriation may, in the discretion of the Attorney General, be reimbursed for such expenses.

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Approved, May 27, 1930.

REGULATION OF TOLLS OVER CERTAIN BRIDGES PROVIDED

[46 Stat., 821]

An Act To provide for the regulation of tolls over certain bridges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any bridge authorized, prior to March 23, 1906, by act of Congress specifically reserving to Congress the right to alter, amend, or repeal such act, shall, in respect of the regulation of all tolls, be subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, June 27, 1930.

PURCHASE OF ARTICLES, MATERIALS, AND SUPPLIES MINED OR PRODUCED IN THE UNITED STATES

[Public—No. 428—72d Congress]

An Act Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes

* * * * *

TITLE III

SEC. 1. That when used in this title—

(a) The term "United States," when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(b) The terms "public use," "public building," and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands.

SEC. 2. Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

SEC. 3. (a) Every contract for the construction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, material men, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 2: *Provided, however, That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.*

(b) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such contract, and no other contract for the construction, alteration, or repair of any public building or public work in

the United States or elsewhere shall be awarded to such contractor, subcontractors, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public.

SEC. 4. This title shall take effect on the date of its enactment, but shall not apply to any contract entered into prior to such effective date.

SEC. 5. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application thereof to other persons or circumstances, shall not be affected thereby.

Approved, March 3, 1933.

PROVISION FOR NATIONAL-PARK APPROACHES

[46 Stat. 1053]

An Act To amend the act of April 9, 1924, so as to provide for national-park approaches

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior" (43 Stat. 90; U. S. C., title 16, p. 390, sec. 8), approved April 9, 1924, is hereby amended by adding the following:

"SEC. 4. Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national-parks roads whose primary value is to carry national-park travel and which lead across lands wholly or to the extent of 90 per centum owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per centum highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed sixty miles in length between a park gateway and such point on or leading to the nearest convenient 7 per centum system road; or, if such approach road is on the 7 per centum system, it shall be limited to not to exceed thirty miles: *Provided further*, That not to exceed forty miles of any one approach road shall be designated in any one county.

"SEC. 5. The Secretary of the Interior is hereby authorized during the fiscal years 1932 and 1933 to construct, reconstruct, and improve such national-park approach roads so designated, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums: \$7,500,000 for the fiscal year ending June 30, 1932; the sum of \$7,500,000 for the fiscal year ending June 30, 1933: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Agriculture may carry out any or all of the provisions of this section: *Provided further*, That not to exceed \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national-park approach roads: *And provided further*, That nothing in this act shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve, and maintain roads and trails within the national parks and national monuments.

"SEC. 6. Whenever any such approach road is proposed under the terms of this act across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin."

Approved, January 31, 1931.

